CHAPTER lxix.

An Act to authorise the Tees Valley Water Board to construct additional waterworks to confer further powers upon the Board and for other purposes. [4th June 1930.]

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WHEREAS by the Tees Valley Water Acts 1907 to 1923 the Tees Valley Water Board (in this Act referred to as "the Board") are authorised to construct certain waterworks and to supply water within a large area in the county of Durham and the north riding of the county of York including the boroughs of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees:

And whereas for the purpose of enabling the Board more adequately and efficiently to utilise and distribute the water which they are at present authorised to supply it is expedient that the Board be empowered to make and maintain the additional waterworks in this Act described and to acquire lands and easements for the purpose thereof and for the general purposes of their undertaking:

And whereas estimates have been prepared showing that the following sums are or will be required for the following purposes (namely):—

	£
For the purchase of lands and easements for and for the construction of the works by this Act authorised -	437,148

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		£
For contributing one-half of the cost of the construction of the weir in this Act referred to	- - - -	2,100
For the provision of filters pumping plant and other works for the extension and improvement of the undertaking of the Board	- -	240,600
		£679,848

And whereas the 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 it is expedient to empower the corporations of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees to borrow for the said purposes and other the purposes of the undertaking of the Board as in this Act mentioned (that is to say):—

		£
In the case of the corporation of Stockton-on-Tees	- - - -	283,270
In the case of the corporation of Middlesbrough	- - - -	339,924
In the case of the corporation of Thornaby-on-Tees	- - -	56,654
		£679,848

And whereas it is expedient that such further provisions should be enacted with respect to the Board and their undertaking as are in this Act contained:

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and the clerk of the peace for the north riding of the county of York respectively and are in this Act respectively referred to as the deposited plans sections and book of reference:

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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 and collective titles.

1. This Act may be cited as the Tees Valley Water Act 1930 and the Tees Valley Water Acts 1907 to 1923 the Tees Valley Water Order 1927 and this Act may be cited together as the Tees Valley Water Acts and Orders 1907 to 1930.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Works and lands.
Part III.—Supply of water &c.
Part IV.—Finance.
Part V.—Miscellaneous.

Incorporation of Acts.

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

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

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

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Board 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;

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(*b*) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(3) The Waterworks Clauses Act 1863:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in construing those provisions "the railway" means the works by this Act authorised "the centre of the railway" means respectively the boundaries of the reservoir and the centres of the other works by this Act authorised and "the company" means the Board.

Interpretation.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have in relation to the relative subject-matter the same respective meanings And the expressions—

"the Board" means the Tees Valley Water Board;

"the corporations" means the corporation of Stockton-on-Tees the corporation of Middlesbrough and the corporation of Thornaby-on-Tees and in each case "the corporation" means the mayor aldermen and burgesses of the borough;

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

"the Act of 1907" means the Tees Valley Water (Consolidation) Act 1907;

"the Act of 1920" means the Tees Valley Water Act 1920;

"the undertaking" means the undertaking of the Board as from time to time authorised;

"the limits of supply" means the limits within which the Board are from time to time authorised to supply water;

"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 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;

"the Minister" means the Minister of Health; and

"telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART II.

WORKS AND LANDS.

Power to make waterworks.

5. Subject to the provisions of this Act the Board may make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

Work No. 1 A conduit or line or lines of pipes (Conduit No. 15) commencing in the parish of Cotherstone in the rural district of Startforth in the north riding of the county of York at the eastern end of the clear water tank at the Lartington filter works of the Board and terminating in the county borough of Darlington in the county of Durham at the easternmost pumping station of the Board at Broken Scar Work No. 1 will also pass into or through the urban district of Barnard Castle the parishes of Marwood Westwick Whorlton and Winston in the rural district of Barnard Castle the parish of Low Coniscliffe in the rural district of Darlington in the said county of Durham and the parishes of Lartington Ovington and Barforth in the said rural district of Startforth the parishes of Caldwell and Eppleby in

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the rural district of Richmond and the parishes of Cliffe and Manfield in the rural district of Croft in the said north riding;

Work No. 2 A conduit or line or lines of pipes (Conduit No. 16) wholly in the county of Durham commencing at the termination of Work No. 1 and terminating in the parish of Low Dinsdale in the rural district of Darlington at the junction of the Darlington and Sadberge Roads at Fighting Cocks Work No. 2 will also pass into or through the parishes of Blackwell Haughton-le-Skerne and Morton Palms in the said rural district;

Work No. 3 A conduit or line or lines of pipes (Conduit No. 17) wholly in the county of Durham commencing in the said parish of Low Dinsdale at the north-east corner of the Fighting Cocks service reservoir of the Board and terminating in the parish of Sadberge in the rural district of Darlington at the south side of the Sadberge service reservoir of the Board;

Work No. 4 A conduit or line or lines of pipes (Conduit No. 18) commencing in the county of Durham in the said parish of Low Dinsdale by a junction with Work No. 3 at a point on the north side of the railway level crossing at Fighting Cocks and terminating in the urban district of Eston in the said north riding at the south side of the service reservoir (Work No. 6) by this Act authorised Work No. 4 will also pass into or through the parish of Middleton St. George in the said rural district of Darlington the parishes of Long Newton and Egglescliffe in the rural district of Stockton in the said county of Durham and the parishes of Ingleby Barwick Maltby Stainton Hemlington West Acklam Marton and Ormesby in the rural district of Middlesbrough in the said north riding and will cross the river Tees on a specially constructed bridge in the said parishes of Egglescliffe and Ingleby Barwick;

Work No. 5 A conduit or line or lines of pipes (Conduit No. 19) wholly in the said urban district of Eston commencing by a junction with

the existing conduit (Conduit No. 11) of the Board at the junction of Eston Road and Bolckow Road and terminating at the north side of the service reservoir (Work No. 6) by this Act authorised;

Work No. 6 A service reservoir (to be called the "Hewley reservoir") situate in the said urban district of Eston in the field or enclosure numbered 207 on the $\frac{1}{2500}$ Ordnance map of the parish of Eston edition 1929 sheet XVI-4;

Work No. 7 A conduit or line of pipes wholly in the said urban district of Eston commencing by a junction with the culvert carrying Sheep Beck under the road from Normanby to Redcar and terminating at the north-east corner of the service reservoir (Work No. 6) by this Act authorised;

Work No. 8 A pumping station (to be called the "Bowesfield Lane pumping station") in the borough of Stockton-on-Tees in the county of Durham situate upon land abutting on Bowesfield Lane and adjoining the Bowesfield Hotel on the north side thereof;

Work No. 9 A conduit or line or lines of pipes (Conduit No. 20) wholly in the said borough of Stockton-on-Tees commencing by a junction with the existing conduit (Conduit No. 12) of the Board at the junction of Darlington Back Lane and Durham Road and terminating at the pumping station (Work No. 8) by this Act authorised.

Subsidiary works.

6. In addition to the foregoing works the Board subject to the provisions of this Act may upon any lands delineated on the deposited plans make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to any of the works by this Act authorised but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

7. In the construction of the works by this Act authorised the Board may deviate laterally to any extent

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not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and subject as hereinafter provided the Board may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that—

(*a*) the Board shall not construct any embankment or wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition;

(*b*) except for the purpose of crossing over a stream or a railway no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

8.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Board and the amount of such cost shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

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Survey of works by Board of Trade.

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Board under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Provision against danger to navigation.

10.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement of work abandoned or decayed.

11.—(1) Where any work constructed by the Board under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Board at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an

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extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Board they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Temporary stoppage of streets.

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

(2) The Board shall provide reasonable access for foot passengers bona fide going to or returning from any such house and for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of the London and North Eastern Railway Company.

Application of Waterworks Clauses Act 1847.

13. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the conduits or lines of pipes by this Act authorised and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may and which they are hereby authorised to construct lay down or erect for the purposes of the undertaking:

Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected by

the Board under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line:

Provided also that nothing in this section shall authorise the breaking up of any street or road belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

Board may acquire easements only in certain cases.

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

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

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

Power to purchase lands already subject to easements.

15. Where under the powers of this Act the Board shall acquire any easement or right in under or through any lands for the construction of any work by this Act authorised the Board may at any time thereafter if they

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see fit purchase by agreement from the owner thereof the lands lying over under and alongside such work.

As to private rights of way over lands taken compulsorily.

16. All private rights of way over any 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 Board 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.

Power to certain persons to grant easements &c. by agreement.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to Board to enter upon property for survey and valuation.

18. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk to the Board 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 by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Compensation in case of recently altered buildings.

19. In settling any question of disputed purchase money or compensation for lands acquired by the Board under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building in

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respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Board of such lands.

Period for compulsory purchase of lands.

20. The powers of the Board for the compulsory purchase of lands for the purposes of Works Nos. 1 and 4 (Conduits Nos. 15 and 18) by this Act authorised shall cease on the first day of October one thousand nine hundred and thirty-five and for the other purposes of this Act shall cease on the first day of October one thousand nine hundred and thirty-three.

Period for completion of works.

21. If the works by this Act authorised are not completed within the period expiring on the first day of October one thousand nine hundred and forty the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Works to form part of undertaking.

22. The works to be constructed by the Board under the authority of this Act shall form part of the undertaking.

Power to purchase additional lands by agreement.

23.—(1) Subject to the provisions of this Act in addition to any other lands acquired or held by the Board in pursuance of this Act or which they are now authorised to acquire or hold the Board may by agreement purchase take on lease acquire and hold further lands for the purposes of the undertaking but (except with the consent of the Minister) the quantity of lands held by the Board in pursuance of this section shall not at any time exceed thirty acres.

(2) The Board shall not create or permit the creation or continuance of any nuisance on any lands acquired by them in pursuance of this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Board.

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

24.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are from time to time empowered to take the Board may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes:

Provided that the Board shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Board.

(2) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are from time to time empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Board or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Board are from time to time empowered to take.

Retention and disposal of lands.

25.—(1) Notwithstanding anything in the Lands Clauses Acts the Board may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise

dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit :

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

(2) Section 88 (Proceeds of sale of surplus lands to be treated as capital) of the Act of 1907 shall be read and have effect as if the words " any Act or Order from time to time relating to the Board or their undertaking " were inserted therein in lieu of the words " this Act " and as if there were inserted at the end of that section the words " and such reduction shall be apportioned among " the corporations in proportion to their respective " interests in the waterworks undertaking and where " sums so received are applied in discharge of borrowed " moneys they shall be applied in discharge of moneys " borrowed by the corporations in proportion to their " respective interests in the waterworks undertaking."

(3) Nothing in this section contained shall release the Board 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 Board or any person from or through whom the Board may have derived or may hereafter

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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.

Dwelling-houses for employees offices recreation grounds &c.

26. The Board may purchase or take on lease houses cottages and other buildings for their employees and offices showrooms and other buildings for the purposes of the undertaking and ground for the purpose of recreation of their employees and may erect fit up and maintain and let any such buildings upon any lands from time to time belonging or leased to the Board.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

27. The Board may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water Provided that the Board shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Powers in relation to water mains.

28.—(1) Subject to the provisions of this Act the Board shall have and may exercise for any of the purposes of the undertaking within and without the limits of supply the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without the district of such authority.

(2) In the application to the Board of section 16 of the Public Health Act 1875 the term "surveyor" in that section shall mean and be deemed to refer to the engineer of the Board.

(3) The Board shall not exercise the powers conferred by this section on any lands or property belonging to the London and North Eastern Railway Company without the consent of that company which consent shall not be unreasonably withheld.

Temporary discharge of water into streams.

29.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Board as from time to time existing the Board may cause the water in any such works to be temporarily discharged into any available stream

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or watercourse and for that purpose the Board may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways works or property of the London and North Eastern Railway Company.

For protection of London and North Eastern Railway Company.

30. The provisions of subsections (1) to (5) inclusive of section 14 (For protection of North Eastern Railway Company) of the Act of 1920 shall so far as applicable extend and apply to and in relation to the works by this Act authorised as if that section had been expressly inserted in this Act and as if the name of the London and North Eastern Railway Company had been mentioned in that section instead of the name of the North Eastern Railway Company Provided that for the purposes of such application the said section shall be read and have effect as if in subsection (2) thereof the words " in the exercise of their existing powers " were inserted after the words " railway company " where they first occur in that subsection.

For protection of Durham and North Riding of Yorkshire County Councils.

31. Notwithstanding any of the provisions of this Act section 15 (For protection of Durham and North Riding of Yorkshire County Councils) of the Act of 1920 shall extend and apply to the works authorised by this Act as if such works were authorised by the Act of 1920 but with the substitution of the words " county road " for the words " main road " and as if in subsection (6) of the said section the words " mains pipes or

A.D. 1930. apparatus" were substituted for the words "mains or pipes."

For protection of Darlington Corporation.

32. For the protection of the mayor aldermen and burgesses of the borough of Darlington (in this section referred to as "the corporation" and "the borough" respectively) the following provisions shall unless otherwise agreed between the corporation and the Board have effect in relation to the exercise of the powers of this Act (that is to say):—

(1) (*a*) All pipes to be laid in along or across any street or bridge in the borough shall be laid in such position and at such depth as the corporation in writing under the hand of their surveyor may reasonably direct;

(*b*) All pipes to be laid in along or across any land in the borough which is intended to be used for the making of a street in connection with the town planning scheme which the corporation have resolved to prepare shall be laid in such position and at such depth in relation to the intended level of the surface of such street as the corporation in writing under the hand of their surveyor may reasonably direct:

Provided that if within twenty-eight days of the receipt by them of notice of intention to lay pipes under any such land (which notice the Board is hereby required to give to the corporation) the corporation fail or are unable to specify the intended level of such street the Board may proceed to lay the pipes without the direction of the corporation:

(2) The Board shall not within the borough open a greater continuous length of street than two hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast:

(3) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of

laying pipes within the borough (*a*) the notice required by section 30 of that Act shall (except in cases of emergency in which cases the earliest possible notice shall be given) be not less than seven days instead of three days and (*b*) the plan required by section 31 of that Act shall be delivered in duplicate by the Board to the corporation or their surveyor not less than seven days before they commence to open or break up any street or interfere with any bridge:

(4) (*a*) Nothing in this Act shall interfere with the right of the corporation to alter the level of or deviate or improve in any manner they think fit any street in or along which any pipe of the Board shall have been laid or to remove alter rebuild widen or repair any bridge in under over or attached to which any pipes of the Board are carried but the corporation shall take all reasonable precautions to prevent injury to such pipes;

(*b*) In the event of any street or bridge in under over or attached to which any such pipes are laid being altered deviated improved removed rebuilt widened or repaired as aforesaid in such manner as to render an alteration in the position of any such pipes reasonably necessary or desirable the Board shall with all convenient speed on receiving fourteen days' notice (or shorter in case of emergency) in writing from the corporation so to do alter the position of such pipes in such manner and to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the surveyor of the corporation;

(*c*) The corporation shall afford all reasonable facilities to the Board for such alterations and also (during the alteration deviation improvement rebuilding widening or reparation of such street or bridge) for temporarily carrying or supporting such pipes along the road or across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such pipes and the Board may carry such pipes accordingly;

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(*d*) (i) The expenses reasonably incurred by the Board in altering pursuant to a notice given by the corporation the position of any pipes of the Board in any street shall be borne by the corporation and repaid by them to the Board;

(ii) The expenses incurred by the Board in altering pursuant to a notice given by the corporation the position of any such pipes in under over or attached to any bridge shall be borne by the Board and the corporation shall not make any compensation to the Board for any expense or loss to which the Board may be put by reason or in consequence of the removal alteration widening or reparation of such bridge;

(*e*) The Board shall reimburse the corporation all reasonable expenses incurred by the corporation in affording facilities for any alteration of pipes in under over or attached to any bridge which may be executed pursuant to a notice given by the corporation under this subsection and for temporarily carrying such pipes across any stream or river:

(5) All works of the Board so far as they affect any such street or bridge as aforesaid shall be so executed by the Board as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such street or bridge:

(6) (*a*) The Board shall not in carrying into effect any of the powers of this Act impede or interfere more than is absolutely necessary with the operation of the transport undertaking of the corporation;

(*b*) If in carrying into effect any of the powers of this Act any injury or damage shall be done to any of the works or apparatus forming part of the said transport undertaking either by removing or disturbing the ground in or upon or near to which the same are placed or by the compression or subsequent settling or lowering of the same at any time afterwards or otherwise the Board shall at their own expense within twenty-four hours after notice in writing given to them by the town clerk or the

surveyor of the corporation cause such works or apparatus to be well and effectually repaired and amended and shall pay to the corporation the amount of the damage or loss which may accrue by reason of such injury or damage and in default thereof it shall be lawful for the corporation to cause such works or apparatus so injured or damaged as aforesaid to be effectually repaired and amended and the reasonable costs of so doing shall be paid by the Board to the corporation :

(7) (*a*) Before commencing any of the works by this Act authorised in or under any street in or under which any gas or water mains pipes syphons electric lines or other works (in this section referred to as "apparatus") of the corporation as statutory undertakers for the supply of gas water or electricity are situate whereby any such apparatus will be affected the Board shall deliver to the corporation plans sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the corporation at least fourteen days before the commencement of any such work;

(*b*) If it should appear to the corporation that such works will interfere with or endanger any of their apparatus or impede the supply of gas water or electricity by means of such apparatus the corporation may give notice to the Board to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing cement concrete or other like substance (in this section referred to as "protective works") shall be settled as hereinafter provided such works of the Board (so far as the same are intended to be constructed underground) to be

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constructed so that not less than either three feet or such less depth as represents the existing cover shall anywhere be left between the crown of the said works and the surface of the ground All such protective works shall save as hereinafter provided be done and executed by and at the expense of the Board but to the reasonable satisfaction and under the superintendence of the surveyor of the corporation;

(*c*) If the corporation by notice in writing to the Board within fourteen days after the receipt by them of notice of the intended commencement by the Board of any such works of the Board so require the corporation may by their own surveyor or workmen do and execute protective works so far as they affect the apparatus of the corporation and the Board shall on the completion thereof pay to the corporation the reasonable expenses incurred by them in the execution of such protective works;

(*d*) In the event of the plans sections and descriptions so delivered to the corporation as aforesaid not being objected to within fourteen days from such delivery the works shown and described thereon shall be executed in strict accordance therewith:

(8) Any difference which arises between the corporation and the Board under this section shall be settled by arbitration by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

For protection of Eston Urban District Council.

33. Notwithstanding any of the provisions of this Act section 15 (For protection of Durham and North Riding County Councils) of the Act of 1920 shall so far as applicable extend and apply for the protection of the Eston Urban District Council and for the purposes of such extension and application the said section shall be read and have effect as if—

(*a*) the works authorised by this Act were authorised by the Act of 1920;

(*b*) the words "Eston Urban District Council" were substituted for the words "county council";

(*c*) the words "road repairable by the Eston Urban District Council" were substituted for the words "main road";

(*d*) the words "surveyor of the Eston Urban District Council" were substituted for the words "county surveyor"; and

(*e*) in subsection (6) of the said section the words "mains pipes or apparatus" were substituted for the words "mains or pipes."

For protection of Tees Conservancy Commissioners.

34. For the protection of the Tees Conservancy Commissioners (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed in writing between the Board and the commissioners apply and have effect:—

(1) The Board shall construct so much of Work No. 1 and so much of Work No. 4 by this Act authorised as shall respectively be carried over the river Tees by means of pipe-bridges whether to be constructed under this Act or in existence at the date of the passing thereof and all subsidiary works in connection therewith in such a manner as so far as reasonably possible—

(*a*) to prevent any debris or other solid matter that would or might increase the silt deposit in the reaches of the said river below the said works or either of them falling into the said river;

(*b*) to prevent loose timber or similar materials from falling into the said river to the danger of navigation; and

(*c*) to avoid cutting damaging or interfering with the banks of the said river;

and the Board shall at their own expense and to the reasonable satisfaction of the commissioners restore and make good any such banks so cut damaged or interfered with:

(2) If owing to the construction of so much of the said Works No. 1 and No. 4 as aforesaid any deposit of solid material occurs in the said river

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within the jurisdiction of the commissioners whereby damage is caused to the said river or the navigation thereon the commissioners may remove any obstruction or carry out such dredging operations as may be reasonably necessary to make good or mitigate such damage:

(3) The said Work No. 4 so far as it may be placed or constructed in or on or project into or over the said river or the foreshore or banks thereof within the jurisdiction of the commissioners shall be carried out in accordance with detailed plans and sections and other sufficient particulars respecting the construction and the position and depth of the foundations thereof reasonably approved by the commissioners and such works shall not be commenced unless and until the commissioners shall have approved such plans sections and particulars Provided that if the commissioners shall not within one month after the receipt of such plans sections and particulars signify to the Board in writing their approval with or without alteration or their disapproval thereof they shall be deemed to have approved the said plans sections and particulars:

(4) The said Work No. 4 shall be constructed repaired and maintained by the Board in accordance with the byelaws of the commissioners and so as not to interfere with the navigation of the river or any work of the commissioners and to their reasonable satisfaction and in accordance with their reasonable requirements with respect to the times and modes of carrying out any such works:

(5) When the said Work No. 4 has been constructed the Board shall not at any time alter or extend the same without the previous consent in writing of the commissioners which consent shall not be unreasonably withheld:

(6) If the said Work No. 4 be commenced or carried out by the Board contrary to the provisions of this Act the commissioners may remove and abate the same and restore the site thereof to

its former condition and the reasonable expense of so doing shall be paid by the Board :

(7) The Board shall during the whole time of the construction of the said Work No. 4 upon and in connection with the said Work No. 4 so far as it may be placed or constructed in or on or project into or over the said river or the foreshore or banks thereof lay down and maintain such buoys and moorings and exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade and the commissioners or (failing agreement between the Board of Trade and the commissioners) the Board of Trade shall from time to time direct :

If the Board fail to comply in any respect with the provisions of this subsection they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds and any such penalty may be recovered by the commissioners summarily :

(8) Any difference which may arise between the commissioners and the Board under this section shall be 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 the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

(9) If there shall be any inconsistency between any plans or sections approved by the commissioners or settled by arbitration under this section and the plans and sections approved by the Board of Trade under the section of this Act of which the marginal note is " Works below high-water mark to be subject to approval of Board of Trade " the works shall be executed in accordance with the plans and sections so approved by the Board of Trade.

Saving rights of Tees Conservancy Commissioners.

35. Except as expressly provided by this Act nothing therein shall prejudicially affect any powers rights or authorities vested in or exercised by the Tees Conservancy Commissioners.

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PART III.

SUPPLY OF WATER &c.

Pressure.

36. The water supplied by the Board within the limits of supply shall be constantly laid on under pressure but such water need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir of the Board from which it is supplied Provided that the Board shall unless prevented by unavoidable cause or accident maintain in their mains a pressure equivalent to thirty feet perpendicular above the level of the surface of the pavement in the Middlesbrough Market Place.

Application of section 35 of Waterworks Clauses Act 1847.

37. Section 35 of the Waterworks Clauses Act 1847 in its application to the Board shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

Revision of water charges.

38.—(1) At any time after the passing of this Act on the application of the Board or of any local authority having jurisdiction within the limits of supply the Minister by order may vary by way either of increase or decrease all or any of the maximum rates and charges for the supply of water authorised by the Acts and Orders relating to the undertaking (other than the rates and charges to which section 17 (Supply to large consumers) section 18 (Alteration of price to Eston Council) or section 19 (Alteration of price to Dorman Long and Company Limited) of the Act of 1920 applies) and the basis on which any rates and charges which may be varied under this section may be reckoned and may prescribe a minimum charge for all or any supplies of water afforded by the Board the rates and charges for which may be varied under this section.

(2) In the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges at less intervals than five years.

Supplies to houses partly used for trade &c.

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

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

(*b*) any workhouse hospital or asylum (whether public or private) sanatorium nursing home school or similar institution club hotel restaurant public-house inn common lodging-house or public assembly hall; or

(*c*) any boarding-house lodging-house or public institution capable of accommodating twelve or more persons including the persons usually resident therein;

but shall if so required by the owner or occupier of any such premises as aforesaid furnish a supply of water by measure in accordance with the provisions of this section.

(2) Where a supply of water to a farmhouse is used for farming purposes the Board may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farmhouse at the rate for the time being payable for water supplied for domestic purposes.

(3) The amount to be paid for a supply of water under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

Charges for water where hose-pipes and refrigerating apparatus used.

40.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water 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 Board may if a hose-pipe or other similar apparatus be used charge (except where the water so used is taken by measure) 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 sub-section shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the Acts and Orders relating to the Board 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.

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

(*a*) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the person and the Board.

Recovery of rates from persons removing.

41. If a justice is satisfied on complaint by any collector of the Board that any person is quitting or about to quit any premises to which the Board supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Water rate in case of two or more houses in one occupation.

42. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate chargeable by the Board in respect of any supply of water for domestic purposes furnished by the Board to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having an annual value equal to the aggregate of the annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Special terms for supplies to caravans &c.

43. Notwithstanding anything in any Act or Order relating to the Board a person shall not be entitled to demand or continue to receive from the Board a supply

of water to any caravan shack hut tent or other like structure unless he has agreed with the Board to take such supply by measure or on such terms as he and the Board shall agree and unless he has secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

As to streets and roads forming boundary of limits of supply.

44. Where the limits of supply are bounded by or abut upon any street or road outside such limits the Board may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exercisable by them with respect to streets or roads within the limits of supply and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Board and his premises and of opening or breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the limits of supply Provided that nothing in this section shall entitle or require the Board to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the limits of supply.

Power to lay pipes in private streets.

45. The Board may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Acts or Orders relating to the Board:

Provided that the Board shall not exercise their powers under this section in respect of any street belonging to a railway company except with the consent of such company but such consent shall not be unreasonably with-

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held and in carrying out any works authorised by this section the Board shall not unreasonably obstruct or interfere with the convenient access to any such street.

Detection of waste.

46. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Board may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Board and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Board shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided also that the Board shall not without the previous consent of a railway company exercise the powers of this section in respect of any street road footway or property belonging to such railway company but such consent shall not be unreasonably withheld.

Board to connect communication pipes with mains.

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

Power to Board to repair communication pipes.

48.—(1) If it should appear to the Board that by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to any person or property it shall

be lawful for the Board to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expenses incurred by the Board for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable as a civil debt by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Except in case of emergency the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of such house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

(3) Except in cases of emergency the Board shall not without the previous consent of a railway company exercise the powers of this section in respect of any property belonging to such railway company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

Maintenance of common pipe.

49. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Board or other officer duly authorised in that behalf by the Board.

Stopcocks to be fitted in communication pipes.

50. In the case of all new buildings erected after the passing of this Act within the limits of supply and connected with the mains of the Board the Board may in cases where the communication pipes are laid by the

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owner or by the Board at his request require the owner at the time when the pipes are laid to insert or to have inserted a stopcock in the communication pipe from the said premises in some position as near as is reasonably possible to the main of the Board from which the supply is given to the said premises and if such owner make default the Board may insert a stopcock in such communication pipe and recover the expense from the owner as a civil debt.

As to provision of separate pipe.

51. If the owner of any house supplied with water by the Board when so required in pursuance of section 55 (Board not bound to supply several houses by one pipe) of the Act of 1907 fail within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Board may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

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

52.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Board may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made.

Cisterns to be provided for high level supplies.

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

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Power to remove meters and fittings.

54. The Board by their agents or workmen after forty-eight hours' notice in writing under the hand of the engineer or some other officer of the Board to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Board is laid or fixed and through or in which the supply of water is from any cause other than the default of the Board discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal:

Provided that the Board shall not without the previous consent of a railway company exercise the powers of this section in respect of any property belonging to such railway company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

Fittings let on hire not liable for distress &c.

55. Any fittings let for hire under the provisions of section 66 (Power to supply materials) of the Act of 1907 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Board as the actual owners thereof.

As to register of meter.

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

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the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and shall be recoverable in the like manner as rates for water are recoverable by the Board.

Extension of power to inspect premises.

57. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Board may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Power to provide water tanks under streets.

58.—(1) The Board 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 with the written consent of the local authority and road authority construct place fix and maintain in or under any street within the limits of supply 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 :

Provided that the Board shall not under the powers of this section construct or place any such tank or

receptacle as aforesaid on any county bridge or the approaches thereto. A.D. 1930.

(2) The Board 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 Board 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 Board he shall be deemed to have committed an offence under section 59 of the Waterworks Clauses Act 1847.

(4) The Board 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 Board shall not erect place fix or maintain any such posts or poles in any part of the highway without the written consent of the local authority and road authority;

(*b*) the Board shall give notice in writing to the owner of such lamp-post pole standard or similar erection 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 Board shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment;

(*c*) the Board shall not attach any signs or directions to any post pole or standard belonging to the Postmaster-General except with his consent in writing;

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(*d*) the Board shall not attach any such sign or direction to any guide or road sign post direction arm or similar erection provided or maintained by any highway authority without the written consent of such authority;

(*e*) 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 Board shall not under the powers of this section construct place or fix any such tank or receptacle or any appliances in connection therewith in any street belonging to the London and North Eastern Railway Company on any bridge or the approaches thereto carrying any street or road over the railway of such company or under any bridge carrying any such railway over any street or road 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 Board attach any signs or directions to any lamp-post standard or similar erection belonging to such company except with their consent.

Penalty for interfering with valves &c.

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

(2) Every person who shall wilfully (without the consent of the Board) or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable on conviction to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage sustained by them Provided that this subsection shall not apply to a consumer closing the valve fixed on his communication

pipe which is not also used for the purposes of supply to any other consumer. A.D. 1930.

Byelaws for preventing waste &c. of water.

60.—(1) The Board may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws—

(*a*) prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as " water fittings ") to be used;

(*b*) forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and

(*c*) require the testing and stamping of water fittings and make a reasonable charge therefor.

(2) Such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Board were the local authority within the meaning of those sections.

(4) The Board shall on or before the date on which notice of any such byelaws is first given in any local newspaper in pursuance of the said section 184 send a copy of the byelaws to the local authority for every district in which the byelaws are intended to be in force.

(5) Any such byelaws in force for the time being shall be published by a copy thereof being kept at the principal office of the Board which copy shall be open to the inspection of all persons at all reasonable times without payment and the Board shall also furnish a

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printed copy of all such byelaws to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(6) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Board as the rates for water are recoverable.

(7) Any person who shall forge or counterfeit any stamp or mark used by the Board or by authority of the Board for any of the purposes of this section or any byelaw made in pursuance thereof or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Supply of water in bulk to Stokesley Rural District Council.

61. Notwithstanding anything contained in section 15 (Contracts for supplying water in bulk) of the Tees Valley Water Act 1914 the Board may enter into and carry into effect agreements with the rural district council of Stokesley for the supply of water in bulk to that council for use for any purpose in the parishes of Hutton Rudby Broughton and Newby for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given if and so long as it would interfere with the supply of water for domestic or other purposes within the limits of supply Provided also that nothing in this section shall authorise the Board to lay any mains or pipes beyond the limits of supply.

Purchase of water in bulk.

62. The Board may enter into and carry into effect agreements with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Board for such price and on such terms and conditions as may be agreed upon and either in perpetuity or for such period as may be agreed upon and any water so purchased may be used by the Board for the purposes of the undertaking and for

the purpose of taking any supply of water so purchased the Board may have and shall be entitled to exercise and enjoy outside the limits of supply all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of any street or road outside the limits of supply as the Board shall require to break up for the purposes aforesaid as if the same were streets or roads within such limits.

Guarantees by local authorities.

63.—(1) The council of any urban or rural district in whole or in part within the limits of supply may give and enter into a guarantee or contract for securing payment to the Board of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Board for the purpose of or with respect to the providing or laying down by the Board of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Board under this section:

Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate.

PART IV.

FINANCE.

Power to Stockton Corporation to borrow.

64.—(1) The corporation of Stockton-on-Tees may borrow for the purposes in this section mentioned such sums as may from time to time be necessary not exceeding the amounts following (that is to say):—

(*a*) For the purpose (hereinafter in this Act referred to as "purpose No. 1") of the purchase of lands and easements for the works by this Act

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authorised three thousand nine hundred pounds;

(*b*) For the purpose (hereinafter in this Act referred to as "purpose No. 2") of the construction of the conduits or line or lines of pipes by this Act authorised one hundred and sixty-three thousand four hundred and twenty pounds;

(*c*) For the purpose (hereinafter in this Act referred to as "purpose No. 3") of the construction of the works (other than the conduits or line or lines of pipes) by this Act authorised fourteen thousand eight hundred and twenty-five pounds;

(*d*) For the purpose (hereinafter in this Act referred to as "purpose No. 4") of the provision of filters pumping plant and other works for the extension improvement and protection of the undertaking one hundred thousand two hundred and fifty pounds;

(*e*) For the purpose (hereinafter in this Act referred to as "purpose No. 5") of contributing towards one-half of the cost of the construction of the weir proposed to be authorised by the Darlington Corporation Bill now pending in Parliament (if such weir be authorised) eight hundred and seventy-five pounds; and

(*f*) For the purpose (hereinafter in this Act referred to as "purpose No. 6") of defraying their proportion of the costs charges and expenses preliminary to and of and incidental to the promotion and obtaining of this Act the sum required.

(2) The corporation of Stockton-on-Tees may also with the sanction of the Minister borrow such moneys as may be necessary for any purpose of the undertaking including the provision of a fund for working capital.

(3) The provisions which would be applicable if the borrowing powers conferred by this section had been conferred by subsection (1) of section 86 (Power to borrow) of the Stockton-on-Tees Corporation Act 1925 and the provisions of section 80 (Power to re-borrow) of the Stockton-on-Tees Corporation Act 1919 shall with

any necessary modifications and adaptations apply to the exercise of the borrowing powers conferred by this section. A.D. 1930.

Power to Middlesbrough Corporation to borrow.

65.—(1) The corporation of Middlesbrough may borrow for the purposes in this section mentioned such sums as may from time to time be necessary not exceeding the amounts following (that is to say):—

For purpose No. 1 four thousand six hundred and eighty pounds;

For purpose No. 2 one hundred and ninety-six thousand one hundred and four pounds;

For purpose No. 3 seventeen thousand seven hundred and ninety pounds;

For purpose No. 4 one hundred and twenty thousand three hundred pounds;

For purpose No. 5 one thousand and fifty pounds; and

For purpose No. 6 the sum required.

(2) The corporation of Middlesbrough may also with the sanction of the Minister borrow such moneys as may be necessary for any purpose of the undertaking including the provision of a fund for working capital.

(3) The enactments in this subsection mentioned shall with any necessary modifications and adaptations apply to the exercise of the borrowing powers conferred by this section (that is to say):—

Middlesbrough Corporation Act 1926—

Section 20 (All stock and loans to rank equally);

Section 21 (Security for future borrowing);

Section 22 (Power to use one form of mortgage for all purposes);

Section 23 (Sinking fund);

Section 24 (Use of moneys forming part of sinking and other funds);

Section 25 (Sanction to loans to be conclusive evidence);

Section 26 (Consolidated loans fund);

Section 29 (Return to Minister of Health with respect to repayment of debt); and

The schedule to that Act.

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The Act of 1907—

Section 80 (Mode of payment off of money borrowed);

Section 82 (Protection of lender from inquiry);

Section 83 (Corporations not to regard trusts);

Section 84 (Appointment of receiver);

Section 85 (Power to re-borrow); and

Section 87 (Application of money borrowed).

Power to Thornaby Corporation to borrow.

66.—(1) The corporation of Thornaby-on-Tees may borrow for the purposes in this section mentioned on the security of their share of the revenue of the undertaking and of the general fund and general rate of the borough of Thornaby-on-Tees such sums as may from time to time be necessary not exceeding the amounts following (that is to say) :—

For purpose No. 1 seven hundred and eighty pounds;

For purpose No. 2 thirty-two thousand six hundred and eighty-four pounds;

For purpose No. 3 two thousand nine hundred and sixty-five pounds;

For purpose No. 4 twenty thousand and fifty pounds;

For purpose No. 5 one hundred and seventy-five pounds; and

For purpose No. 6 the sum required.

(2) The corporation of Thornaby-on-Tees may also with the sanction of the Minister borrow such moneys as may be necessary for any purpose of the undertaking including the provision of a fund for working capital.

(3) The enactments in this subsection mentioned shall with any necessary modifications and adaptations apply to the exercise of the borrowing powers conferred by this section (that is to say) :—

The Act of 1907—

Section 79 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 80 (Mode of payment off of money borrowed);

Section 81 (Sinking fund) (as amended by section 27 (Amending section 81 of Act of 1907) of the Act of 1920);

Section 82 (Protection of lender from inquiry);
Section 83 (Corporations not to regard trusts);
Section 84 (Appointment of receiver);
Section 85 (Power to re-borrow); and
Section 87 (Application of money borrowed).

Periods for repayment of moneys borrowed.

67.—The corporations shall pay off all moneys borrowed by them respectively under this Act within the respective periods following and such periods shall be "the prescribed period" for the purpose of the statutory provisions by this Act made applicable to the exercise of the borrowing powers conferred by this Act (that is to say):—

As to moneys borrowed for purpose No. 1 within sixty years from the expiration of the financial year in which the same were respectively borrowed;

As to moneys borrowed for purpose No. 2 within fifty years from the expiration of the financial year in which the same were respectively borrowed;

As to moneys borrowed for purposes Nos. 3 4 and 5 within sixty years from the expiration of the financial year in which the same were respectively borrowed;

As to moneys borrowed for purpose No. 6 within five years from the passing of this Act; and

As to moneys borrowed with the sanction of the Minister within such periods not exceeding sixty years as may be prescribed by the Minister.

Return to Minister with respect to repayment of debt by Thornaby Corporation.

68.—(1) The town clerk of Thornaby-on-Tees 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 of Thornaby-on-Tees in pursuance of any Act or Order from time to time relating to the Board or in respect of any money raised thereunder.

(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 treasurer or other the chief accounting officer of the said 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

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the said 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 said 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 such Act or Order as aforesaid or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the said 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.

Amendment of section 71 of Act of 1907.

69. Section 71 (Common fund) of the Act of 1907 shall be read and have effect as if in lieu of the words " this Act " there had been inserted the words " the Acts and Orders from time to time relating to the Board."

Amendment of section 90 of Act of 1907.

70. Section 90 (Application of revenue) of the Act of 1907 shall be read and have effect—

(1) as if in paragraph (*a*) thereof in lieu of the words " this Act " there had been inserted the words " the Acts and Orders from time to time relating to the Board ";

(2) as if as from the fifteenth day of February one thousand nine hundred and thirty in lieu of paragraph (*c*) thereof the following paragraph had been inserted :—

" (*c*) In paying to the corporations the prescribed sums to represent interest on and provision for repayment of principal of—

(i) moneys contributed by the corporations respectively to the common fund of the

Board on capital account in respect of which the date of contribution was before the said fifteenth day of February and in respect of which the repayment period had not at that date expired; and

(ii) moneys contributed by the corporations respectively to the said common fund on capital account in respect of which the date of contribution was on or after the said fifteenth day of February;

The sums payable to the corporations under this paragraph in respect of each financial year subsequent to the fourteenth day of February one thousand nine hundred and thirty shall be aggregated and the total thereof shall be divided among the corporations in the proportion of—

Five-twelfths to the corporation of Stockton-on-Tees;

Six-twelfths to the corporation of Middlesbrough; and

One-twelfth to the corporation of Thornaby-on-Tees;

and the said sums shall be paid in full so far as the amount of the revenue of the Board applicable towards payment thereof is sufficient but if and so far as the amount of revenue so applicable in any financial year is insufficient to pay the same in full the amount so applicable shall be divided among the corporations in the proportions aforesaid.

In this paragraph—

the expression 'the date of contribution'

(i) in the case of moneys contributed by any of the corporations by payment to the Board under precept means the date specified in the precept as the date before which payment was required from the corporation to whom the precept was addressed; and

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(ii) in the case of moneys raised by any of the corporations and applied to capital purposes in pursuance of the Acts and Orders from time to time relating to the Board otherwise than by payment to the Board under precept means the date when the money so raised was applied to such capital purposes as aforesaid;

the expression 'the repayment period' as used with respect to any moneys contributed by the corporations respectively to the common fund of the Board on capital account means a period commencing on the date of contribution and terminating at the expiration of the maximum period allowed to the corporations for repayment of loans in respect of such moneys under the Act Order sanction or other authority empowering the corporations to borrow such moneys;

and for the purposes of this paragraph the prescribed sums hereinbefore referred to shall be—

(*a*) a sum for each year of the repayment period subsequent to the said fourteenth day of February to represent repayment of the principal of any moneys contributed as aforesaid Such sum shall be equal to the total of—

(i) the equal annual instalment requiring to be paid into a sinking fund at the end of each year of the repayment period and accumulated at a rate of three and a half per centum per annum in order to provide at the end of the repayment period the amount of the moneys so contributed; and

(ii) interest for such year at the rate of three and a half per centum per annum on the amount which would be standing at the beginning of such year to the credit of a sinking fund in respect of the moneys so contributed if

such fund had been formed by setting aside the amount of the said equal annual instalment at the end of each year from the commencement of the repayment period and accumulating the amounts so set aside at a rate of three and a half per centum per annum; and

(*b*) a sum for each year of the repayment period subsequent to the said fourteenth day of February to represent interest on the moneys so contributed Such sum shall be equal to interest for such year at the rate of five per centum per annum on the balance of the said moneys remaining at the commencement of such year after deducting from such moneys the total for all the preceding years of the repayment period of the sums referred to in sub-paragraph (*a*) of this paragraph as representing repayment of the principal of the moneys so contributed:

Provided that at any time after the expiration of five years from the passing of this Act on the application of the Board or any one or more of the corporations the Minister of Health may by order vary as from such date as he may prescribe by way of either increase or decrease the said rate of five per centum and the said rates of three and a half per centum or any of those rates but after the making of the first such order no further such order shall be made before the expiration of five years from the making of the last preceding order "; and

(3) as if in paragraph (*d*) thereof after the words "in respect of that undertaking" there had been inserted the words "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."

Contribution towards maintenance of weir.

71. The Board may as a working expense of the undertaking make such contributions as they think fit towards the cost of maintenance of the weir proposed to be authorised by the Darlington Corporation Bill now

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pending in Parliament (if such weir be authorised) not exceeding one-half of such cost.

Donations subscriptions &c.

72.—(1) The Board may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions and to the benevolent and accident and sick funds of the employees of the Board and may for any of those purposes apply the revenues of the Board.

(2) The Board may pay reasonable subscriptions whether annually or otherwise to the funds of any association of undertakers for the supply of water or their officers formed for the purpose of consultation as to their common interests and any reasonable expenses of the attendance of any members or officers of the Board not exceeding in any case four at conferences or meetings of such association and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings and the reasonable expenses incurred by the Board in the entertainment of representatives of other authorities visiting the Board's works.

PART V.

MISCELLANEOUS.

Provisions as to fouling of water.

73.—(1) For the prevention of the pollution of the river Tees above the points at which the Board are empowered to abstract water and of any river stream or watercourse through which any water may for the time being flow into that river above those points the Board may with the consent of the county council and of the district council in whose district such pollution occurs or subject to the provisions of this section of one of such councils if the other refuse or neglect to give such consent and decline or neglect forthwith to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Act 1875 and the Acts amending and extending the same with respect to such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Board with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exerciseable by such county council or district council as the case may be under any enactment for the prevention of the pollution of the

said river or of any such river stream or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply with any necessary modifications to the Board.

(2) If the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of fourteen days after being requested by the Board either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Board the Board may appeal to the Minister who may give to them such consent subject to such terms and conditions as he may think fit and thereupon the Board may proceed to enforce the provisions of the said Acts.

(3) If in pursuance of any requirement by the Board any expenses are reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any river or stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters of the river Tees above the said points at which the Board are empowered to abstract water or any waters which find their way into such last-mentioned waters such expenses shall be repaid to such owner or occupier by the Board and may be recovered by such owner or occupier from the Board summarily as a civil debt.

Prohibition of throwing offensive matter &c. into rivers.

74. If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall or flow into the river Tees or any river stream or watercourse through which any water may for the time being flow into that river between any point at which the Board are empowered to abstract water and a point five miles from that point measured therefrom up the course of that river and any such river stream or watercourse as aforesaid any offensive matter whether solid or fluid or any earth mud ashes dirt soil or refuse of any description so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water or to pollute the water or bathe or wash any part of his person in the said river between any such first-mentioned point and a point two miles from that point measured

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therefrom as aforesaid he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds Provided that where any offence against this enactment is committed from or out of any boat or other vessel the person in charge of such boat or other vessel shall be liable to be proceeded against and punished under this section.

As to joint committee of Board and Darlington Corporation for certain purposes.

75.—(1) A joint committee of the Board and of the Darlington Corporation appointed by the Board and the said corporation respectively may exercise such of the powers conferred upon the Board by the sections of this Act of which the marginal notes respectively are "Provisions as to fouling of water" and "Prohibition of throwing offensive matter &c. into rivers" and upon the Darlington Corporation by the corresponding provisions of the Darlington Corporation Bill now pending in Parliament (if such provisions be passed) as the Board and the Darlington Corporation shall from time to time determine.

(2) Any joint committee appointed as aforesaid for the said purposes shall consist of three members of the Board appointed by the Board and three members of the council of the borough of Darlington appointed by that council.

(3) The provisions of subsections (2) to (6) of section 81 of the Local Government Act 1888 relating to joint committees appointed under that section shall subject to any necessary modification apply with reference to the appointment of any joint committee under this section and to any joint committee so appointed as if the expressions "council" and "county council" in those subsections included the Board.

Prohibiting bathing and boating on reservoirs of Board.

76.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Board or except with the consent of the Board use any boat upon any such reservoir.

(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

Power to promote or oppose Bills &c.

77. The Board shall have power to promote or oppose Bills in Parliament or Provisional or Special Orders and to prosecute or defend legal proceedings.

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

78.—(1) Sections 176 and 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of those sections and the limits of supply were their district and on the petition or application of the Board the Minister may make such orders as he is by those sections empowered to make on the petition or application of a local authority.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

Incorporation of sections 259 and 265 of Public Health Act 1875.

79. Sections 259 and 265 of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the Acts and Orders relating to the Board were therein referred to instead of the Public Health Act 1875.

Evidence of appointments authority &c.

80. Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any general or local Act from time to time in force it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman or of the clerk of the Board shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices &c.

81.—(1) Where any notice or demand under any local Act or Order or any byelaw from time to time in force requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any local Act Order or byelaw from time to time in force may be served

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in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served:

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

As to breach of conditions of consent of Board.

82. Where under any Act or Order from time to time in force the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Inquiries by Minister.

83.—(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 of the powers conferred upon him or the giving of any consents under any Act or Order from time to time relating to the Board and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Judges not disqualified.

84. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Board by reason of his being liable to any rate or charge.

Contents of summons &c.

85. Where the payment of more than one sum by any person is due under any Act or Order from time to time relating to the Board any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

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Penalties not cumulative.

86. Penalties imposed under any Act or Order from time to time relating to the Board for one and the same offence shall not be cumulative.

Recovery of penalties &c.

87. Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Board may be prosecuted in a summary manner and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or Orders or any byelaw made in pursuance thereof may be recovered in a summary manner and shall belong to the Board and shall be carried to the credit of their common fund Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

88. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Board whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Repeal.

89. The following enactments are hereby repealed :—

The Act of 1907—

Section 25 (Power to agree as to drainage of lands &c.);

Section 26 (Power to hold lands for protection of waterworks);

Section 28 (Power to exchange lands);

Section 30 (Power to sell surplus lands);

Section 31 (Reservation of water rights &c. on sale);

Section 57 (Byelaws for preventing waste of water);

Section 59 (Supply to houses used partly for trade &c.);

Section 61 (Supply to large consumers);

Section 67 (Power to lay pipes in streets not dedicated to public use);

Section 86 (Annual return to Local Government Board) and any enactment incorporating or applying that section;

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Section 96 (Inquiries by Local Government Board) and any enactment incorporating or applying that section;
Section 97 (Recovery and application of penalties);
Section 98 (As to notices);
Section 99 (Contents of summons);
Section 100 (Judges &c. not disqualified).

The Act of 1920—

Section 13 (Limiting powers of Board to abstract water).

Crown rights.

90. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

91. The costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall in the first instance be paid by the Board out of their common fund and shall be repaid thereto by the corporations in the proportions in which they are respectively interested in the undertaking out of moneys to be borrowed by them under this Act.

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