CHAPTER clxxxv.

An Act to authorise the Weston-super-Mare Improvement Commissioners to supply Water within the Urban Sanitary District of Weston-super-Mare and within the parishes of Uphill, Kewstoke, and Worle, in the county of Somerset; to purchase the undertaking of the Weston-super-Mare Waterworks Company; and for other purposes. [22d July 1878.] A.D. 1878.

WHEREAS the Weston-super-Mare Improvement Commissioners appointed under and by virtue of the Weston-super-Mare Improvement and Market Act, 1842, and acting under the authority of the said Act, and of the Weston-super-Mare Improvement and Market Act, 1851, and of three provisional orders made under the authority of the Local Government Act, 1858, and bearing date respectively the fourth day of May one thousand eight hundred and sixty-one, the fifteenth day of July one thousand eight hundred and sixty-one, and the sixth day of June one thousand eight hundred and seventy-six, and confirmed respectively by the Local Government Supplemental Act, 1861 (No. 2), and the Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) Act, 1876, are now the urban sanitary authority within the urban sanitary district of Weston-super-Mare for the purposes of the Public Health Act, 1875, and of the said local and personal Acts and provisional orders: 5 & 6 Vict. c. xx. 14 & 15 Vict. c. lxv. 21 & 22 Vict. c. 98. 24 & 25 Vict. c. 128. 39 & 40 Vict. c. ccii. 38 & 39 Vict. c. 55.

And whereas the said Improvement Commissioners are desirous that the supply of water within the said urban sanitary district should be subject to their control and management, and that they should be authorised to supply water to the neighbouring parishes of Uphill, Kewstoke, and Worle, in the county of Somerset, and it is expedient that for giving effect to such desire provisions such as are in this Act contained should be made:

And whereas the Weston-super-Mare Waterworks Company were incorporated by the Weston-super-Mare Waterworks Act, 1853,

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with a share capital of eighteen thousand pounds and loan capital not exceeding three thousand six hundred pounds, and were thereby empowered to supply water within the town of Weston-super-Mare, and by the Weston-super-Mare Water Order, 1873, as confirmed by the Gas and Water Orders Confirmation Act, 1873, the said Company were empowered to raise for the purposes of their undertaking additional share and loan capital to the amount of twelve thousand pounds in shares, and not exceeding three thousand pounds by loan:

36 & 37 Vict. c. xlii.

And whereas the capital of the Company on the first day of December one thousand eight hundred and seventy-seven consisted of the following:—

	Created.	Called up.	Balance not called up.
900 original shares (£20) -	£18,000	£18,000	Nil
150 new shares, 1874 (£20) -	3,000	2,175	£825
150 new shares, 1876 (£20) -	3,000	2,175	825
Total	£24,000	£22,350	£1,650

And whereas the Company have no mortgage debt:

And whereas the said Improvement Commissioners have entered into an agreement with the said Company, bearing date the twelfth day of December one thousand eight hundred and seventy-seven, for the purchase by the said Improvement Commissioners of the waterworks and undertaking of the said Company, and of all their rights, powers, and authorities in connexion therewith under the Weston-super-Mare Waterworks Act, 1853, and it is expedient that the same be carried into effect in manner by this Act provided:

16 & 17 Vict. c. lxvi.

And whereas estimates have been prepared by the said Improvement Commissioners showing that they will have to grant or create and issue debentures or debenture stock to secure the sum of sixty-five thousand pounds (the consideration to be paid for the purchase of the said waterworks and undertaking of the Company), and that they may from time to time require to borrow moneys to an amount in the aggregate not exceeding ninety thousand pounds for the redemption of such debentures or debenture stock, and for works necessary for the improvement of the said waterworks and the extension of the same, and of the mains and other pipes connected therewith:

And whereas such waterworks and works are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875, and it is expedient that the said Improvement Commissioners should be authorised to grant or create

38 & 39 Vict. c. 55.

and issue debentures or debenture stock and to borrow money for those purposes: A.D. 1878.

And whereas an absolute majority of the whole number of the said Improvement Commissioners, at a meeting held on the thirteenth day of November one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Weston Mercury and Somersetshire Herald, a local newspaper published or circulating in the said district of Weston-super-Mare, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Weston Mercury and Somersetshire Herald, and has in respect of matters within the jurisdiction of the Local Government Board received the approval of such Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said Improvement Commissioners, at a further special meeting held in pursuance of a similar notice on the thirteenth day of February one thousand eight hundred and seventy-eight, being no less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said district of Weston-super-Mare, by a resolution passed in manner provided by Schedule III. annexed to the Public Health Act, 1875, with respect to the passing of resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

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

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

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Weston-super-Mare Improvement Commissioners Water Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

2. The provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the promoters of the undertaking,) and of the Waterworks Clauses Acts, 1847 and 1863, are (except where the same are

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expressly varied by this Act) incorporated with and form part of this Act, and the provisions of the Waterworks Clauses Act, 1863, shall apply as well to the water undertaking of the Company when transferred to the Commissioners under the provisions of this Act as to any pipes or works which may be laid down or constructed under the provisions of this Act.

32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

Interpretation of terms.

3. In the construction of this Act the following expressions shall have the meanings herein-after assigned to them respectively, unless there be something in the subject-matter or context repugnant to such construction:

The expression "the Commissioners" shall mean the Weston-super-Mare Improvement Commissioners acting as the urban sanitary authority within the urban sanitary district of Weston-super-Mare:

The expression "the district" shall mean the urban sanitary district of Weston-super-Mare:

The expressions "district fund" and "general district rate" shall mean respectively the district fund and general district rate of the district:

16 & 17 Vict. c. lxvi.

The term "Company" shall mean the Weston-super-Mare Waterworks Company incorporated by the Weston-super-Mare Waterworks Act, 1853:

16 & 17 Vict. c. lxvi.
36 & 37 Vict. c. xlii.

The term "special Act" in relation to the Company shall mean the Weston-super-Mare Waterworks Act, 1853, and the Weston-super-Mare Water Order, 1873, confirmed by the Gas and Water Orders Confirmation Act, 1873:

The term "the undertaking" in relation to the Company shall mean the Weston-super-Mare Waterworks, and all rights, privileges, powers, and authorities granted to the Company by the special Act, and now subsisting or capable of taking effect, and all the lands, buildings, reservoirs, aqueducts, conduits, easements, tenements, and hereditaments, main and other pipes, steam and other engines, boilers, meters, machinery, tools, implements, material, plant, chattels, and effects of or belonging to the Company:

The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such meaning; and for the purposes of this Act the expressions "the promoters of the undertaking" and "the undertakers" shall be construed to mean the Commissioners, and the expression "superior courts" or "court of competent jurisdic-

tion," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Limits of supply.

4. The limits of this Act for the supply of water (in this Act referred to as "the limits of supply") shall comprise and include the district and also the parishes of Uphill, Kewstoke, and Worle, all in the county of Somerset.

Transfer of Undertaking of Company.

Transfer of undertaking of Company.

5. The Company shall sell and transfer to the Commissioners, who shall accordingly purchase, the undertaking of the Company, for such consideration, to be paid and secured at such time and in such manner and generally on such terms as in this Act are stated or appear, comprising the following; (that is to say,)

(*a.*) The consideration or purchase money shall be the sum of sixty-five thousand pounds, and shall be paid within fifty-five years from the day fixed for completion of the purchase, and shall bear interest from that day at the rate of four pounds per cent. per annum, payable half-yearly, and the payment of the said purchase money and interest shall be secured in manner by this Act provided:

(*b.*) The Company shall show a title, to be approved of by one of the conveyancing counsel of the Chancery Division of the High Court of Justice in case the parties differ about the same, to the lands, easements, tenements, and hereditaments comprised in the sale, and the Company and all other necessary parties (if any) shall execute a proper conveyance thereof to the Commissioners:

(*c.*) The sale and purchase shall take effect from and be completed, and possession of the undertaking shall be delivered, on the twenty-sixth day of December one thousand eight hundred and seventy-eight.

Powers of Company continued until transfer.

6. Until the transfer of the undertaking of the Company in pursuance of this Act the undertaking shall be carried on by the Company according to the ordinary course of their business, and they shall keep all works forming part of such undertaking in good and substantial repair, and shall pay off or satisfy all their debts and liabilities, or shall give sufficient security to the Commissioners for the payment or satisfaction of the same, and until such transfer the powers, authorities, and privileges of the Company and of the directors of the Company with respect to such undertaking under

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their special Act shall be enjoyed and be exerciseable by the Company and by the directors of the same in every respect as if this Act had not been passed.

Payment of purchase money and transfer of undertaking.

7. On or before the twenty-sixth day of December one thousand eight hundred and seventy-eight the Commissioners shall issue debentures or debenture stock (granted or created and issued in manner by this Act provided), securing the payment of the purchase money at the time in this Act mentioned, together with interest on the same in the meantime at the rate of four pounds per centum per annum as by this Act provided, according as the directors of the Company shall require debentures or debenture stock, and upon the issue to the directors of the Company or any three of such directors of such debentures or debenture stock such directors or such three of the directors of the Company shall cause a deed of conveyance (duly stamped) and under the seal of the Company to be executed conveying the undertaking of the Company to the Commissioners (in which deed the consideration shall be truly stated) in accordance with the provisions of this Act, and when such deed of conveyance is executed in manner aforesaid the undertaking of the Company shall by virtue thereof and of this Act as from the twenty-sixth day of December one thousand eight hundred and seventy-eight be transferred to and vested in the Commissioners for all the estate and interest of the Company therein, and subject to all contracts, obligations, debts, and liabilities affecting the same, and the Commissioners shall be entitled to immediate possession thereof and to hold the same subject to the provisions of this Act, and such transfer and vesting are herein-after in this Act referred to as "the transfer;" provided that notwithstanding the said transfer the Company shall be entitled to receive all water rates or rents due to the Company down to and including the twenty-fifth day of December one thousand eight hundred and seventy-eight.

Application of purchase money by Company.

8. The directors of the Company shall apply the consideration for their undertaking when received to the purposes following:

(1.) To pay all debts and liabilities of the Company;

(2.) To distribute in such shares as the Company may at any special meeting order and direct a sum not exceeding two thousand five hundred pounds in recognition of services performed to the Company;

(3.) To pay to the holders of the nine hundred original shares in the Company such a sum per share as will make up the dividends for the years in which less than seven and a half per centum was paid to dividends of that amount;

(4.) To pay the sum of two pounds fifteen shillings per share to the holders of the one hundred and fifty new shares of the year one thousand eight hundred and seventy-four and the one hundred and fifty new shares of the year one thousand eight hundred and seventy-six; and

(5.) To distribute the balance amongst all the shareholders of the Company in proportion to the number of their shares and the sums paid up thereon respectively.

For the purposes aforesaid the directors of the Company may from time to time sell and convert any debentures or debenture stock issued as aforesaid, or may enter into an arrangement with any person entitled to any moneys under this section to accept any such debentures or debenture stock of a like amount in satisfaction of such moneys.

Company's books evidence as to proprietors of capital.

9. The persons who appear in the books of the Company to be proprietors of share capital of the Company shall, unless the contrary is proved, be considered to be holders of the capital of the Company for the purposes of the distribution of the Company's assets.

Payment into court by directors.

10. Where the directors of the Company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of their undertaking is payable, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

Dissolution of Company.

11. The Company, when and as soon as their undertaking has been transferred to the Commissioners under this Act, and their debts and liabilities have been paid and discharged, and their assets have been distributed, and their affairs have been wound up in manner by this Act directed, shall thereupon be and are hereby dissolved.

Books, deeds, &c. of Company transferred to Commissioners.

12. Upon the transfer all books of account, deeds, and documents of title whatsoever of the Company relating to the undertaking shall be transferred to the Commissioners, and the Commissioners or any person on their behalf shall have free access to any other books which shall be in the possession of the Company, and which were used by them in the carrying on of their business, at all reasonable times for the purpose of inspecting, copying, or making extracts from the same.

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As to Company's debts, &c. unpaid.

13. Where any debt, rent, rate, charge, or sum of money is immediately before the transfer due or owing from the Company, and is not paid by them or otherwise discharged previously thereto, then and in every such case the Commissioners shall after the transfer be liable to satisfy the same, without prejudice to any remedy over against the Company in respect of any such debt, rent, rate, charge, or sum so due by them under any security given by the Company to the Commissioners or otherwise.

Actions, &c. not to abate.

14. If immediately before the transfer any action, suit, proceeding, or any cause of action is pending or existing against the Company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer or of anything in this Act; but such action, suit, proceeding, or cause of action may be continued, prosecuted, and enforced against the Commissioners as it might have been against the Company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the Company under any security given by the Company to the Commissioners or otherwise.

Books, &c. to continue evidence.

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

Application of Company's Acts to Commissioners.

16. From and after the transfer all the rights, powers, authorities, and privileges of the Company in relation to their undertaking under their special Act shall be by virtue of this Act transferred to and vested in the Commissioners, and may, subject to the provisions of this Act, be enjoyed, exercised, and enforced by the Commissioners in every part of the area comprised within the limits of supply as defined by this Act, and the special Act shall be read and have effect as if the Commissioners were therein named instead of the Company and the limits of the special Act were the limits of supply as defined by this Act, subject to the following exceptions and provisions:

8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 10 & 11 Vict. c. 17.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, incorporated with the special Act shall not apply to the Commissioners:

(2.) The provisions of the Waterworks Clauses Act, 1847, incorporated with the special Act with respect to the amount of profit to be received by the undertakers where the waterworks are carried on for their benefit shall not apply to the Commissioners:

(3.) The provisions of the special Act or of the Acts incorporated therewith relating to the constitution or capital or the dividends or the application of the profits of the Company shall not apply to the Commissioners :

(4.) Any provision of the special Act or the Acts incorporated therewith requiring notice before the opening or breaking up by the Company of a street, highway, sewer, or drain shall not apply where the street, highway, sewer, or drain is under the control or management of the Commissioners :

(5.) Penalties imposed by the special Act or the Acts incorporated therewith shall not be cumulative.

Maintenance of Waterworks and Supply of Water.

Power to maintain and construct waterworks and supply water.

17. Subject to the provisions of this Act, the Commissioners may from and after the transfer from time to time maintain, alter, improve, enlarge, extend, and renew the waterworks and works connected therewith, with all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, and other works connected therewith ; and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, or discontinue additional and other waterworks and works connected therewith, with all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, meters, and other works connected therewith, and they may from and after such transfer, subject to the provisions of this Act, supply and sell water within the limits of supply.

After transfer, provisions of special Act to apply to supply of water with certain exceptions.

18. From and after the transfer the provisions of the special Act of the Company, as amended by this Act, shall apply to and regulate the supply of water by the Commissioners and to all matters connected therewith within the limits of supply, but save within the district the rates payable for the supply of water by the Commissioners shall be in accordance with the provisions of this Act.

Rates for supply of water beyond district.

19. The rates to be charged for the supply of water for domestic purposes to dwelling-houses or parts of dwelling-houses situate within the limits of supply, but not within the district, shall be as follows :

Where the annual value of such dwelling-house shall not amount to seven pounds, at a rate not exceeding twopence per week :

Where the annual value of such dwelling-house shall be seven pounds and under twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings :

Where the annual value of such dwelling-house shall be twenty pounds, at a rate per centum per annum not exceeding seven pounds.

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If there be a second watercloset or a bath in any dwelling-house or part of a dwelling-house where the annual value of such dwelling-house or part of a dwelling-house shall amount to seven pounds per annum and upwards, then, in addition to the rates above specified, the following rates shall be payable; (that is to say,)

Where the annual value of such dwelling-house or part of a dwelling-house shall be under twenty pounds, the sum of twelve shillings for the second watercloset and the further sum of twelve shillings for the bath:

Where the annual value of such dwelling-house shall be twenty pounds and upwards, the sum of sixteen shillings for the second watercloset and the further sum of sixteen shillings for the bath:

And for every additional watercloset beyond the second, and for every additional bath beyond the first, the sum of five shillings a year respectively.

For the purposes of this section the annual value shall be the full net annual value of the property as ascertained by the valuation list for the time being in force, or if there is none by the rate for the time being for the relief of the poor.

Incoming tenant not to be liable for arrears of water rate except by express agreement.

20. If any water consumer leave the premises to which water has been supplied without paying to the Commissioners the water rate or charges due from him, the Commissioners shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer, unless the incoming tenant shall have agreed with the Commissioners or with the defaulting consumer to pay the arrears, but the Commissioners shall supply water to the incoming tenant upon the terms and conditions and subject to the provisions of this Act if required so to do.

Power to make regulations for preventing waste of water.

21. Subject to the provisions of this Act, the Commissioners may from time to time, with the sanction of the Local Government Board, make and enforce such regulations as they may find expedient for preventing the waste, misuse, or contamination of water, and among other things may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply, and any such regulations shall be subject to the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act, 1875, and the provisions of that Act with respect to the recovery of penalties shall apply to any penalties which may be recoverable for the breach of any of the regulations.

38 & 39 Vict. c. 55.

Supply of water in bulk to local and sanitary authorities.

22. The Commissioners may supply water within the limits of supply in bulk to the local authority or sanitary authority of any district on such terms as may be agreed on between the Commis-

sioners and such local authority or sanitary authority; provided that such supply shall be subject and without prejudice to a full supply of water for domestic purposes within the limits of supply.

Provisions for sale of mains, &c. to sanitary authority outside district.

23. Any sanitary authority within the limits of supply outside the district may at any time require the Commissioners to sell to such sanitary authority the Commissioners mains and pipes within the district of such sanitary authority, and the Commissioners shall thereupon sell the same accordingly for such sum as may be agreed upon between them and the said sanitary authority, or as in case of difference shall be determined by arbitration in manner provided by the Public Health Act, 1875, and after such sale the power of the Commissioners to supply water within the district of such sanitary authority shall cease.

38 & 39 Vict. c. 55.

Charges for supply of water for other than domestic purposes.

24. The Commissioners may supply water within the limits of supply for purposes other than domestic purposes by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Commissioners and the person requiring the supply, and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Where several houses supplied by one pipe, each to pay.

25. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Commissioners by a distinct pipe: Provided always, that the Commissioners shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate is paid for the whole of such dwelling-houses and premises.

Proviso as to consent of owner of house. 10 & 11 Vict. c. 17.

26. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with "the consent in writing of the owner or reputed owner of any such "house or of the agent of such owner" were omitted therefrom: Provided always, that any water rent or rate paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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Rate payable by owner for small houses, &c.

27. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner.

Commissioners not bound to supply several houses by one pipe.

28. The Commissioners shall not be bound to supply more than one house by means of the same pipe, and they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

Supply to houses partly used for trade, &c.

29. The Commissioners shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required.

For preventing frauds and waste of water.

30. If any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or of any regulations made in pursuance thereof, or wilfully fails to do anything which under this Act or any such regulation ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, the Commissioners may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Commissioners under this enactment shall be in addition to their other remedies in this behalf.

Power to Commissioners to manufacture meters, &c.

31. The Commissioners may from time to time manufacture and purchase meters, fittings, instruments, pipes, and other apparatus, articles, and things for measuring, conveying, or otherwise used in the supply of water.

Power to supply pipes, &c.

32. The Commissioners may, if requested by any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such meters, pipes, fittings, and instruments, and other apparatus, articles, and things as are required for such purpose, and may provide all materials and do all work necessary or proper in that behalf, and the costs of providing such material and executing such works shall be paid by the person requiring the same, and shall be recoverable from such person in the same manner as the water rates or rents.

Power to sell or let meters.

33. The Commissioners may from time to time sell and dispose of any meters, fittings, instruments, pipes, and other apparatus, articles, and things, or let the same on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Commissioners think fit, and any money due to the Commissioners for such sale or hire shall be recoverable in the same manner as rents or sums due to the Commissioners for water. No such meter, fitting, instrument, pipe, or other apparatus, articles, or things belonging to the Commissioners shall be subject to distress for rent, nor to be taken in execution under any process of any court or under any proceeding in bankruptcy against the person in whose possession the same may be.

Notice to Commissioners of putting up meters, &c.

34. Before any person connects or disconnects any meter through which any of the water of the Commissioners is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Commissioners of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meter.

35. Every consumer of water of the Commissioners shall at all times at his own expense keep all meters belonging to him whereby any water of the Commissioners is registered in proper order for correctly registering such water, in default whereof the Commissioners may cease to supply water through such meters, and the Commissioners at all reasonable times shall have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, and such taking off, removal, testing, and inspecting and replacing shall be done at the expense of the Commissioners if the meter should be found in proper order, but otherwise at the expense of the consumer.

Power to acquire additional lands by agreement.

36. In addition to any lands which may become vested in the Commissioners by reason of the transfer, the Commissioners may from time to time purchase any lands by agreement, and may hold the same for the purposes of this Act, but the lands held under the authority of this section shall not at any time exceed twenty acres, and the Commissioners shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks.

Power to take easements, &c. by agreement.

37. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant

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to the Commissioners any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

Sale, &c. of superfluous lands.

38. The Commissioners may, upon such terms and conditions as to consideration or otherwise as to them shall seem fit, sell, lease, or otherwise dispose of any land transferred to them, or which they may acquire under the authority of this Act, and which shall not be required for the purposes of this Act, and the proceeds of the sale of any such lands shall be applied only towards payment of the said purchase money of sixty-five thousand pounds, or in the repayment of money borrowed under this Act, or to other purposes to which capital moneys are properly applicable, and any money so repaid shall not be re-borrowed.

Financial.

Debentures and Debenture Stock.

Debentures and debenture stock.

39. The debentures or debenture stock which the Commissioners are by this Act required to issue for securing the said purchase money of sixty-five thousand pounds shall be granted, created, and issued in the manner and subject to the conditions and provisions contained in the Local Loans Act, 1875, subject to the modifications herein-after contained, and the Commissioners shall be deemed to borrow the amount secured thereby, and to raise a loan of such amount subject to the provisions of that Act.

38 & 39 Vict. c. 83.

Such debentures or debenture stock shall be a first charge upon the revenues of the undertaking of the Company transferred to the Commissioners, and of all other the water undertaking of the Commissioners, and shall be charged by way of collateral security upon the district fund and general district rate, subject to all charges and liabilities affecting the same at the time of transfer, but in priority to all other charges and liabilities, and such revenue, fund, and rate shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875. All such debentures and debenture stock shall be redeemed within fifty-five years from the date thereof, and such redemption shall be effected by means of a sinking fund, and all sums paid into the same shall, as soon as may be, be invested by the Commissioners in any manner in which trustees are by law for the time being authorised to invest trust moneys: Provided always, that the first payment into such sinking fund in respect of any such debentures or debenture stock shall be

38 & 39 Vict. c. 83.

made within one year after the date of the grant or creation and issue thereof. A.D. 1878.

The amount to be secured by such debentures or debenture stock shall not exceed in the aggregate the sum of sixty-five thousand pounds, and the interest payable in respect thereof shall be at the rate of four pounds per centum per annum.

The prescribed sum with respect to debentures shall be fifty pounds.

The Commissioners may at any time pay off the moneys secured by any debenture, or may redeem any debenture stock at par, by giving to the holder of the same six months previous notice of their intention so to do, and on the expiration of the said period such holder shall accept payment of the moneys secured by such debenture or debenture stock, together with the interest due thereon, and shall surrender such debenture or the certificate of such debenture stock.

Debenture stock shall in the first instance be issued to the directors of the Company or any three of such directors, and their title to such debenture stock shall be evidenced by the entry in the register as in the Local Loans Act, 1875, is mentioned of the names of the directors or of such three of such directors as the owners of such debenture stock, and the same may be transferred in manner by the said Act provided. 38 & 39 Vict. c. 83.

Whenever the Commissioners desire to pay off one or more of the debentures or any part of the debenture stock in pursuance of the provisions of this Act, they shall decide the order in which the holders of such securities shall be paid off by lot among the holders of such debentures or debenture stock, and shall cause a notice signed by their clerk to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and state that the same will be paid, together with the interest due thereon, at a place either in London or in Weston-super-Mare, at a time to be specified in such notice, at the expiration of six months from the date of giving such notice, in accordance with the preceding provisions of this Act. Such notice may be in writing or print, or both, and may be given personally to such holder as aforesaid or left at his residence, or if such holder be unknown to the Commissioners or cannot be found after diligent inquiry, such notice may be given by advertisement in the London Gazette.

Mortgages.

40. The Commissioners may from time to time, with the consent of the Local Government Board, borrow at interest such moneys as Power to borrow.

A.D. 1878.

they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate the sum of ninety thousand pounds; provided that of the said aggregate amount the sum of sixty-five thousand pounds shall be applied only in paying off the moneys secured by any debentures, or to redeeming the debenture stock in pursuance of the provisions herein-before contained.

Power to mortgage water undertaking and district fund and general district rate.

41. For securing the repayment of moneys borrowed under the authority of this Act the Commissioners may from time to time mortgage the revenue of the undertaking of the Company when transferred to them, and of all other the water undertaking of the Commissioners, and also the district fund and general district rate, and after having paid off otherwise than by instalments or by the sinking fund any moneys so secured may re-borrow the amount so paid off: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid.

38 & 39 Vict. c. 55. to apply to mortgages.

42. The provisions of the Public Health Act, 1875, with respect to mortgages shall, except as is by this Act otherwise provided, be applicable to the mortgages to be made by the Commissioners under this Act.

Provision for paying off money borrowed.

43. The Commissioners shall, within fifty-six years from the time of borrowing and under such provisions as shall be sanctioned by the Local Government Board, pay off all money borrowed by them under this Act, either by half-yearly or yearly instalments or by means of a sinking fund appropriated and invested, and with the produce and accumulations thereof (if any) from time to time applied for that purpose.

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

44. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys raised or secured on or by debentures, debenture stock, or mortgage under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing that the amount which has been paid off by instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and any interest which may have accumulated on such fund during the year have been applied during the same period, and the total amount remaining invested at the end of the

year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for such sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

As to appointment of receiver.

45. The holders of debentures or debenture stock or other the mortgagees of the Commissioners may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver. The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds.

Debentures or debenture stock to have priority.

46. All debentures or debenture stock granted, created, or issued under this Act shall, during the continuance thereof and as to the revenues, fund, and rate comprised therein, have priority over all mortgages or other securities to be granted, created, or issued by virtue of this Act.

General.

Power to borrow under 38 & 39 Vict c. 83.

47. The Commissioners, if they think fit, may borrow any moneys which they are by this Act authorised to borrow, and which they have not borrowed and secured in manner herein-before provided, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any money borrowed in manner by this section authorised for any of the purposes of this Act by the Commissioners shall be a charge upon and shall be paid out of the local rate as defined by the Local Loans Act, 1875, and also the district fund. Every such loan shall be discharged within fifty-six years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund if the Commissioners shall so see fit: Provided always, that if the Commissioners at any time think fit to form any such sinking fund, the first payment to be made into the same need not be made until the expiration of one year from the time of borrowing, and all sums paid into the same shall be as soon as may be invested by the Commissioners in any securities in which

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trustees are by law for the time being authorised to invest any trust moneys, or, with the consent of the Local Government Board, in any securities issued by any local authority other than the Commissioners under the Local Loans Act, 1875.

38 & 39 Vict. c. 83.

Separate account to be kept.

48. The Commissioners shall keep a separate account of all their receipts, payments, and liabilities in and about the execution of this Act, to be called the "Water Account," which account shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts, and productions of vouchers, as the other accounts of the Commissioners.

Moneys received by Commissioners under Act to be paid to treasurer.

49. All moneys from time to time borrowed by the Commissioners under this Act, and all moneys from time to time received by or for the use of the Commissioners under this Act, shall forthwith after the receipt thereof be paid to the treasurer of the Commissioners.

Application of moneys borrowed.

50. All moneys from time to time borrowed under this Act shall be applied by the Commissioners to the following purposes:

First.—In payment of the costs, charges, and expenses of and incident to authorising the application for and the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto;

Secondly.—In the purchase of land and in the extension and improvement of the undertaking of the Company when transferred to the Commissioners; and

Thirdly.—In the exercise of the powers of this Act with respect to the redeeming and paying off otherwise than by means of instalments or the sinking fund of debentures or debenture stock and moneys borrowed;

and no such moneys shall be applied to any purposes other than those for which capital is properly applicable.

Application of revenue.

51. All moneys received from time to time by the Commissioners by way of revenue under this Act in respect of their water undertaking shall be applied to the following purposes:

First.—In payment of the establishment charges, that is to say, of the expenses properly chargeable to revenue of conducting, managing, and maintaining the waterworks and works connected therewith and supplying water under the provisions of this Act:

Secondly.—In payment of the interest from time to time accruing due on the debentures or debenture stock issued for securing the said purchase money of sixty-five thousand pounds:

Thirdly.—In the formation of the sinking fund prescribed by this Act for the purpose of redeeming the debentures or debenture stock granted or created and issued under the authority of this Act, by carrying to the same the sums by the Local Loans Act, 1875, and this Act required: 38 & 39 Vict. c. 83.

Fourthly.—In payment of the interest on moneys borrowed under the authority of this Act:

Fifthly.—In payment of the instalments of principal or principal and interest, and in the formation of the sinking fund prescribed by this Act for the repayment of moneys borrowed under the authority of this Act, by carrying to the same the sums by this Act required; and the surplus (if any) shall be carried to the district fund and be applicable to the general purposes thereof.

Power to make water-works rate.

52. In case the revenue of the Commissioners from their water undertaking is in any year insufficient for the payment of the moneys payable in respect of the same and chargeable on revenue, the Commissioners may, as soon as may be after ascertaining such insufficiency, according to the provisions of the Public Health Act, 1875, make and levy a general district rate to be called "The Water-works Rate," for making up such insufficiency as aforesaid, but the Commissioners shall not levy any such rate or any part thereof to make up the insufficiency of their revenue in respect of any year in which they charge less than the maximum price for the supply of water for domestic purposes authorised by this Act. 38 & 39 Vict. c. 55.

Amount of rate to include expenses of recovering it.

53. Any rate made by the Commissioners under this Act may, if they think fit, be of such amount as in their judgment will be sufficient to raise or discharge not only the sum or sums in respect of which the rate is made, but also such a sum as will meet the expenses of what is in their judgment a due proportion of the expenses incurred in and about making and recovering the rate.

Waterworks rate may be collected with general district rates. 38 & 39 Vict. c. 55.

54. For the purpose of diminishing the expense of assessing, making, levying, and collecting the water rate under this Act, the Commissioners may include the same in any general district rate under the Public Health Act, 1875, and make, levy, collect, and recover such rates as part of any such general district rate.

Existing mortgages to have priority.

55. All mortgages and securities granted by the Commissioners prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall, during the continuance thereof, and as to the rates or property comprised therein, have priority over all debentures, debenture stock, mortgages, or other securities to be granted, created, or issued by virtue of this Act.

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Borrowing under 38 & 39 Vict. c. 55.

56. In calculating the amount which the Commissioners may borrow under the Public Health Act, 1875, the amount secured by the debentures or debenture stock granted, created, or issued under this Act, or by mortgages under this Act, shall not be reckoned, and the powers of the Commissioners of borrowing or re-borrowing under this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Act, 1875.

Works affecting Great Western Railway Company to be constructed to satisfaction of their engineer.

57. Whenever the Commissioners, in the exercise of the powers conferred by this Act, shall require to lay down, alter, or replace any mains or pipes upon, across, or under any railway belonging to or worked by the Great Western Railway Company, or upon any lands belonging to or used or occupied by that company, such mains or pipes shall be laid to the reasonable satisfaction of the engineer of that company, and according to plans previously approved by such engineer and the engineer of the Commissioners, or in the event of their not agreeing, in such manner as shall be settled by arbitration in manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and the Commissioners shall pay to the Great Western Railway Company, for any easement required by them upon, across, over, or under any of the railways, lands, works, or property of the Great Western Railway Company such sum, either annual or otherwise, as may be agreed upon, or failing agreement as shall be settled by arbitration in the manner aforesaid.

8 & 9 Vict. c. 20.

As to notice to Great Western Railway Company before breaking up roads crossing railway on level.

58. Before opening or breaking up for any of the purposes of this Act any public road or street crossing on the level any railway belonging to or worked by the Great Western Railway Company, the Commissioners shall give not less than seven clear days notice of their intention so to do, under the hand of their clerk, to the secretary of that company, sent by post in a registered letter addressed to the Paddington Station, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as possible after the beginning of the work or the necessity for the same has arisen.

Saving rights of Great Western Railway Company.

59. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Great Western Railway Company.

Expenses of Act.

60. The costs, charges, and expenses of the Company as well as of the Commissioners preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act, and of the transfer, shall be paid by the Commissioners out of the

district fund or general district rate, or out of moneys borrowed under the authority of this Act, and such costs shall include the costs incurred by the Commissioners in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or House of Commons.

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