CHAPTER cvii.

An Act to authorise the urban district council of Woking to exercise some of the powers contained in the Act 18 Geo. III. cap. lxxv. as regards certain bridges vested in the company of proprietors of the Basingstoke Canal Navigation and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the urban district of Woking in the county of Surrey (in this Act called "the district") is under the management and local government of the urban district council of Woking (in this Act called "the Council"):

And whereas the company of proprietors of the Basingstoke Canal Navigation were incorporated by the Act 18 Geo. III. cap. lxxv. (in this Act called "the Act of 1777") and by that Act the said company of proprietors their successors and assigns (in this Act called collectively "the company") were authorised and empowered (inter alia) to make and complete the said canal navigation and thereover and thereunder to make build and erect bridges and other conveniences and from time to time to alter repair amend widen and enlarge the same:

And whereas it was also provided in the Act of 1777 (inter alia) that the company should not make the said canal or any part thereof across any common highway public bridleway or footpath until they should at their own proper charges have made and perfected bridges and conveniences as aforesaid over or under such road way or path of such dimensions and in such manner as therein provided and also that all such bridges should from time to time be supported maintained and kept in sufficient repair by and at the expense of the company:

[*Price* 1*s.* 6*d.*]

A.D. 1911.

And whereas pursuant to the provisions aforesaid or some of them the company constructed within that part of the county of Surrey which is now comprised by the district a portion of the said canal navigation (herein-after called "the canal") and also thereover erected the bridges mentioned and described in the schedule hereto within the district (herein-after called "the canal bridges"):

And whereas by the Act 33 Geo. III. cap. xvi. further powers were granted to the company and also by the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order 1894 confirmed by the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order Confirmation Act 1894 (in this Act called "the Order of 1894") the company became entitled to charge and make in respect of merchandise traffic on the canal navigation aforesaid the tolls and charges specified in the schedule to the said Order:

And whereas the company for a long period have failed to work or use their said undertaking either efficiently or profitably and in consequence thereof the said canal navigation has become disused and the said undertaking has long been insolvent and the works connected with the canal in consequence of not being maintained have for many years continued and remain in a state of disrepair so that the undertaking for all practical purposes has become and now is a derelict undertaking:

And whereas the company have for many years made default and have persistently neglected to support maintain and keep in sufficient repair at their own expense the canal bridges notwithstanding the representations and complaints of the Council that the same could not be used for traffic without risk of serious danger to the public entitled to use the highways bridleways and footpaths aforesaid and in consequence great public inconvenience and expense has thereby been caused:

And whereas from time to time in order to protect the public entitled to use the said bridges the Council have at their own cost and charge effected certain repairs thereto but have been unable to obtain from the company the repayment of the expense of so doing and the said expenditure already made amounts to the sum of four hundred and forty-three pounds:

And whereas the bridges named in the schedule are unsafe for public traffic and ought to be repaired forthwith so that the same may be safely used by the public and some of those bridges

in addition to being unsafe and in need of repair as aforesaid are also of inadequate width and in consequence thereof and otherwise are unsuited to the needs of the traffic of or passing through the district to or from adjoining districts and the proper development of the district and the said other districts is thereby seriously prejudiced and hindered and great public inconvenience in consequence results:

And whereas it is expedient that the bridges named in the schedule should as provided by the Act of 1777 be reconstructed and repaired and that some of such bridges should also be altered widened and enlarged so as to adapt the same to the needs and convenience of the traffic entitled to use the highways bridleways and footpaths aforesaid and that such reconstruction repair alteration widening and enlargement and the maintenance thereafter of all the said bridges should after notice as in this Act provided be effected by the Council and that so much of the cost thereof incurred by the Council in so doing as well as the cost of this Act and the cost already incurred by the Council as aforesaid should be repaid to the Council by the company as is in this Act provided and in default thereof should become and remain until so repaid together with the interest thereon a first charge upon so much of the said undertaking as is situate within the district and upon the tolls rates rents profits or other revenue of any nature whatsoever in respect thereof coming into the hands of the company or of any persons in possession or occupation thereof or in whose favour the same may now or hereafter be or become charged:

And whereas the Council subject to the provisions of this Act are willing to undertake the reconstruction repair alteration widening and enlargement and the maintenance subsequent thereto of the said bridges and works in connexion therewith within their district and to acquire such lands and easements as may be necessary for such purposes:

And whereas in order to partially defray the costs and expenses incurred in the execution of the works hereinbefore recited it is expedient that the county council of the administrative county of Surrey (in this Act called "the county council") should be authorised to contribute and provide a portion of the funds necessary for the execution of the said works:

And whereas it is expedient that the county council should be authorised to borrow on the security of their revenues and

A.D. 1911.

rates such sums as may be necessary for any contributions made by them under the powers of this Act and to charge such sums upon their county fund and county rate:

And whereas it is expedient that the Council should be empowered to enter into agreements as herein-after provided with reference to the matters aforesaid and the cost of execution and maintenance of the said works:

And whereas it is expedient that the Council should be authorised to borrow money for the purposes of this Act and to apply any portion of their district fund and revenue towards such purposes:

And whereas it is expedient that the further powers in this Act contained relating to the matters aforesaid should be conferred upon the Council:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of November one thousand nine hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Woking News and Mail a local newspaper published or circulating in the district 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 of the district:

And whereas such resolution was published twice in the said Woking News and Mail a newspaper published or circulating in the district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand nine hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion by the Council of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas the objects of this Act 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 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):— A.D. 1911.

Short title.

1. This Act may be cited as the Woking Urban District Council (Basingstoke Canal) Act 1911.

Incorporation of Acts.

2. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are so far as the same are applicable for the purposes of and are not expressly varied by or inconsistent with this Act incorporated with and form part of this Act and for the purposes of this Act the expressions "the company" and "the railway" in such provisions shall respectively be deemed to mean "the Council" and "the works by this Act authorised."

Interpretation.

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

"The Council" "the district" mean respectively the urban district council and the urban district of Woking in the county of Surrey;

"The county council" means the county council of the administrative county of Surrey;

"The Act of 1777" means the Act 18 Geo. III. cap. lxxv.;

"The Order of 1894" means the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order 1894 confirmed by the Canal Tolls and Charges No. 7 (River Ancholme &c.) Order Confirmation Act 1894;

"The company" means the company of proprietors of the Basingstoke Canal Navigation incorporated by the Act of 1777 and their successors and assigns;

"The canal" means so much of the Basingstoke Canal Navigation authorised by the Act of 1777 as is situate within the district;

A.D. 1911.

"Canal bridge" means any of the bridges mentioned and described in the schedule to this Act;

"Canal undertaking" means so much of the undertaking of the company as is situate within the district;

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

Repair and maintenance of canal bridges by Council.

4.—(1) Where any canal bridge is not supported maintained and kept in sufficient repair as provided by the Act of 1777 the Council may by notice in writing addressed to the company or any person in occupation or possession of the canal or any part thereof or purporting to be entitled to the tolls and charges prescribed by the Order of 1894 in respect thereof require the company to properly support maintain and put in sufficient repair such bridge in accordance with the provisions of the Act of 1777 within a time specified in such notice.

(2) If the notice aforesaid is not complied with by the company the Council may execute the works mentioned or referred to therein and may recover in a summary manner the expenses incurred by them in so doing from the company to the extent of the obligations of the company under the Act of 1777 or the Council may by order declare the expenses so incurred to be private improvement expenses as if the said works had been private street works executed by the Council subject to the provisions of the Public Health Act 1875:

Provided that in repairing any such bridge the width of the water-way shall not be reduced to less than fourteen feet and nine inches nor shall the headway between the level of the towpath and the underspan of such bridge be reduced so as to be less than six feet and six inches.

(3) Upon the completion of the said works or at any time thereafter the Council may and shall if required by notice in

writing by the company adopt and maintain such bridge and the approaches thereof as parts of public streets or roads maintainable and repairable by the inhabitants at large within the district:

Provided that as regards any such bridge adopted and maintained by the Council as aforesaid the company shall pay to the Council in full satisfaction for the cost to be incurred by the Council for the future maintenance and repair thereof such sum as shall in default of agreement be determined by arbitration as herein-after provided to be fair and reasonable having regard to the obligations of the company under the Act of 1777 as regards the repair and maintenance of the said bridge.

Alteration widening or reconstruction of canal bridges by Council.

5. The powers conferred upon the company by the Act of 1777 with respect to altering amending widening or enlarging bridges may as regards any of the canal bridges appearing in the schedule annexed to this Act be exercised by the Council subject to the following provisions (that is to say):—

(1) The Council shall three months at least before commencing to alter widen or reconstruct any canal bridge give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district:

(2) Such notice shall describe the nature of the intended work and shall state the intended termini thereof and the names of the parishes and the roads streets and other lands (if any) through across or on which the work is intended to be made and shall name a place where the plans sections and a specification and estimate of cost is open for inspection at all reasonable hours and a copy of such notice shall be served on the company and on the owners or reputed owners lessees or reputed lessees and occupiers of the said lands and on the overseers of such parishes and on the surveyors of highways or other persons having the care of such roads or streets:

(3) If the company or any such owner lessee or occupier or any such overseer surveyor or other person as aforesaid or any other owner lessee or occupier or any owners of barges or traders using the canal who would be affected by the intended work object to such

A.D. 1911.

work and serve notice in writing of such objection on the Council at any time within the said three months such intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after provided unless such objection is withdrawn:

(4) When any canal bridge has been altered widened or reconstructed under the provisions of this section it shall vest in the Council who shall in the manner provided as regards private streets by the nineteenth section of the Private Streets Act 1892 adopt and maintain such bridge and the approaches thereof as parts of public streets or roads maintainable and repairable by the inhabitants at large within the district:

(5) The company shall pay to the Council as a contribution to the cost of altering widening or reconstructing any canal bridge under the provisions of this section and of maintaining and repairing the same thereafter such sum as shall in default of agreement be determined by arbitration as herein-after provided to be fair and reasonable having regard to the obligations imposed upon the company by the Act of 1777 in respect of such bridge and also to the use by the Council for such altering widening and reconstructing of lands belonging to the company.

Repair and maintenance of canal bridges before passing of Act.

6. All works of repair and maintenance of any canal bridge executed by the Council before the passing of this Act shall be deemed to have been executed pursuant and subject in all respects to the provisions of this Act applicable or relating thereto and as if the same had been duly executed after the passing of this Act and the expenses thereof paid or incurred by the Council shall be repaid to them by the company and in default of repayment may be recovered in a summary manner and shall stand charged upon the canal undertaking as if the same were expenses of repair and maintenance of canal bridges under this Act.

Temporary stoppage of streets.

7. The Council may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or

returning from any house in the street from passing along and using the same for any reasonable time The Council shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Power to alter pipes &c.

8. In executing the works authorised by this Act the Council may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe and also any pipe tube wire or apparatus laid down or used for the conduct of electricity for any purpose and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Provided that the Council shall not raise sink or otherwise alter or interfere with any pipe tube wire or telegraphic apparatus belonging to or used by His Majesty's Postmaster-General except under and subject to the provisions of the Telegraph Act 1878:

Provided further that nothing in this Act shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

User of lands by Council.

9.—(1) For the purposes of any of the works authorised by those sections of this Act the marginal notes whereof are "Repair and maintenance of canal bridges by Council" and "Alteration widening or reconstruction of canal bridges by Council" respectively the Council may use any lands required therefor belonging to the company the use of which lands for the said purpose would not after the completion of the work prevent or interfere with the working of the canal or the traffic thereon.

(2) Any lands required by the Council for the purposes aforesaid other than lands belonging to the company shall be deemed to be required for purposes of the Public Health Act 1875 and the provisions of that Act relating to the purchase of lands by a local authority and the sale and letting on lease of lands not required for the purpose for which they were acquired shall apply accordingly.

A.D. 1911.

Charge of expenses of Council on undertaking.

10. The canal undertaking and all capital or other moneys in or coming into the hands of the company or any person in occupation or possession thereof whether by way of tolls and charges or otherwise and all estates and interests from time to time therein shall stand charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the amount of any expenses recovered summarily and any sum agreed or determined by arbitration as provided in those sections of this Act the marginal notes whereof are "Repair and maintenance of canal bridges by Council" and "Alteration widening or reconstruction of canal bridges by Council" respectively with interest upon all such sums at the rate of four pounds per centum per annum and the Council shall for the recovery of such sums and interest thereon have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having power of sale and lease and of appointing a receiver in priority to any other mortgagee or person having any charge of any nature whatsoever upon the canal undertaking properties or moneys aforesaid.

For protection of Basingstoke Canal Navigation Company.

11. In executing any works under the provisions of this Act so far as the same may affect the working of traffic upon the canal the Council shall be subject to the following provisions:—

(*a*) They shall cause as little detriment or inconvenience to the company as circumstances will admit:

(*b*) Before they commence any work whereby the traffic on the canal will be interrupted they shall (except in case of urgency when no notice shall be necessary) give seven days' notice at least of their intention to commence such work specifying the time at which they will begin to do so to the company and to such owners of barges and traders using the canal as shall have given notice to the Council of such user:

(*c*) They shall not be liable to pay to the company any compensation for injury done to the canal or for loss of traffic thereon occasioned by the reasonable exercise of the powers so vested in them as aforesaid:

(*d*) Whenever for the purpose of enabling them to execute such work the Council shall so require the company shall either stop traffic on that part of the canal to

which the notice refers where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of the work there Provided that such work shall be completed with all reasonable despatch:

(*e*) The Council shall not execute such work so far as it immediately affects the canal except under the superintendence of the company unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and they shall execute such work to the reasonable satisfaction of the company:

(*f*) If any question arises under this section between the company and the Council that question shall be referred to arbitration under this Act.

As to costs of execution and maintenance of works.

12.—(1) The costs of the execution and maintenance of the works and of the exercise of the other powers by this Act authorised may be provided out of the following moneys or any of them (that is to say):—

The district fund and the general district rate of the district and any contribution which the county council may agree to make And the county council are hereby authorised to make such contribution.

(2) The Council may enter into and carry into effect agreements with the county council for or in relation to the provision by the county council of any moneys or contribution towards the costs of the execution and maintenance of the works and the exercise of the other powers by this Act authorised and any moneys or contributions so agreed to be provided by the county council may be paid out of the county fund and county rates of the county or out of moneys borrowed by the county council under the authority of this Act.

Power to county council to borrow.

13.—(1) For the purpose of making any contribution which the county council may under the provisions of this Act agree to make towards the execution of the works by this Act authorised the county council may from time to time with the approval of the Local Government Board borrow at interest on the security of the county fund and revenues such sum or sums as they may

A.D. 1911.

deem requisite not exceeding in the whole the amount of the contribution which they have for the time being agreed to make.

(2) Any loan so borrowed shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 as by this Act specially varied.

(3) The county council shall pay off all moneys borrowed by them for the purposes of this Act within such periods not exceeding sixty years as the Local Government Board may think fit to sanction.

Power to Council to borrow.

14. The Council may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Acts borrow at interest on the security of the district fund and general district rate for the following purposes the following sums (that is to say):—

(*a*) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose;

(*b*) For the other purposes of this Act such sum or sums as the Local Government Board may sanction.

Provisions of Public Health Act as to mortgages to apply.

15. The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Council under this Act as if they were with any necessary modifications re-enacted in this Act.

As to repayment of borrowed money.

16. All moneys borrowed by the Council under the authority of this Act for the purposes respectively mentioned in the subsections of the section of this Act of which the marginal note is "Power to Council to borrow" shall be repaid within any periods not exceeding the periods herein-after respectively mentioned which periods are in this Act referred to as "the prescribed period" (that is to say):—

For the purpose of subsection (*a*) five years from the passing of this Act;

For the purposes of subsection (*b*) such period or periods not exceeding sixty years from the date or dates of borrowing the same as the Local Government Board may sanction.

Method of payment off of money borrowed.

17. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Mode of raising money.

18. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others:

Provided that the provisions of this Act in regard to sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Regulations as to sinking fund.

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

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

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund."

A.D. 1911.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

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

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

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed periods the moneys for the repayment of which the

sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that when it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amount payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

Protection of lender from inquiry.

20. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

21. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the

A.D. 1911.

receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Saving existing charges.

22. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate of the district by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed.

Power to re-borrow.

23.—(1) The Council shall have power—

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

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

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

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

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

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

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

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

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

Return to Local Government Board as to repayment of debt.

24.—(1) The clerk to the Council or the county council respectively shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid by the Council or the county council respectively as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk to the Council or the county council respectively showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of their respectively failing to make such return the clerk to the Council or the county council respectively shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council or the county council respectively have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required

A.D. 1911.

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 this Act or by the Local Government Board 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 Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied by the Council or the county council respectively as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of money borrowed.

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

Proceeds of sale of surplus lands to be treated as capital.

26. Any capital moneys received by the Council on the sale or lease of any lands or in repayment of any expenses incurred by them in pursuance of the powers of this Act shall be distinguished as capital in the accounts of the Council and may be applied in or towards defraying any expenditure for which the Council have by virtue of this Act for the time being unexhausted borrowing powers and such moneys or other moneys repaid to or recovered by the Council under the provisions of this Act and not so applied shall be applied in discharge of any moneys borrowed by the Council under this Act but shall not be applied to the payment of instalments and to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed moneys discharged by the application of such moneys shall not be re-borrowed Provided that the borrowing powers of the Council for expenditure defrayed by the application of sums so received shall be reduced to the extent of the sums applied.

Inquiries by Local Government Board.

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

have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Expenses of execution of Act.

28. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Section 327 of Public Health Act 1875 not to apply to Council.

29. The provisions of section 327 of the Public Health Act 1875 shall for the purposes of this Act be deemed not to apply to the Council as regards the exercise of any of the powers conferred upon them by this Act and the execution of any works pursuant to the provisions hereof or the performance of any act or the doing of anything incident thereto or consequent thereupon.

Arbitration.

30. If at any time any dispute or difference arises respecting any matter under the provisions of this Act the same shall except as in this Act otherwise provided be referred to and settled by the Local Government Board or by an arbitrator appointed by them and the Local Government Board or arbitrator as the case may be shall have an absolute discretion both as to the matter in dispute or difference and as to the costs of such reference.

Authentication and service of notices &c.

31. In the case of any notice under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

A.D. 1911.

Crown rights.

32. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

For protection of gas water and electric mains &c.

33. For the protection of the Woking District Gas Company Limited the Woking Water and Gas Company and the Woking Electric Supply Company Limited (each of which companies is in this section called "the protected company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

(1)—(*a*) In this section the expression "mains" means the mains pipes and other appliances of the protected company:

(*b*) At least twenty-eight days before commencing the execution of any works under the powers of this Act which will interfere with or affect any mains or before under the powers contained in this Act breaking up any part of a street road or bridge in under or upon which mains may be placed or altering affecting or interfering with any mains the Council shall submit to the protected company plans sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and a notice stating the date when it is proposed to commence such works:

(*c*) If it should appear to the protected company that the execution of such works will interfere with or endanger any mains or impede the supply of gas water or electricity as the case may be the protected company may give notice to the Council to lower support or alter the position of such mains or to substitute temporarily or otherwise other mains pipes or appliances in such manner as may be considered necessary and any difference as to the necessity of such lowering supporting alteration or substitution shall be settled by arbitration as herein-after provided and all such works agreed or ordered by the arbitrator to be carried out shall be done and executed by and at the expense of the Council but to the reasonable satisfaction and under the superintendence of the engineer of the protected company and the reasonable costs charges and expenses of such superintendence

shall be paid by the Council Provided that if the protected company by notice in writing to the Council within twenty-one days after the receipt by them of notice of the intended commencement by the Council of any such works so require the protected company may by their own engineer or workmen do and execute such works so far as they interfere with or affect any mains of the protected company and the Council shall on completion thereof pay to the protected company the reasonable expenses incurred by them in the execution thereof:

(*d*) In the event of such plans sections and description so delivered to the protected company as aforesaid not being objected to within twenty-eight days the said works shall be executed in accordance therewith except in so far as they may be varied with the consent of the protected company:

(*e*) In any case where the Council under the powers conferred by this Act alter amend widen enlarge or reconstruct a bridge where there is a main of the protected company provision shall be made for the protected company's mains to be laid thereon and for giving such main or any new main constructed in substitution thereof a covering not less than that of the then existing main and if such covering shall be insufficient to properly protect the main the protected company shall be at liberty at their option to lay their main alongside any such bridge in a position to be approved and to the reasonable satisfaction of the surveyor of the Council:

(*f*) The protected company may if they deem it necessary employ watchmen or inspectors to watch and inspect the works whereby any mains will be interfered with or affected during the continuance of such works and the reasonable wages of such watchmen or inspectors shall be borne by the Council and be paid by them to the protected company:

(*g*) If any interruption in obstruction to or interference with the supply of gas water or electricity as the case may be by the protected company or any loss

A.D. 1911.

of gas water or electricity as the case may be shall be in any way occasioned or sustained by any act or omission of the Council their contractors agents workmen or servants or any person in the employ of them or any or either of them in the execution of any works under the powers of this Act the Council shall pay to the protected company such compensation for loss or damage sustained as may be agreed or failing agreement as shall be settled by arbitration as provided by this section:

(*h*) The expense of all repairs or renewals of any mains or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any or either of them in carrying out the works under or exercising the powers of this Act or rendered necessary by reason of any subsidence resulting from the works of the Council carried out under the powers of this Act whether during the construction of the said works or at any time thereafter shall be borne by the Council and paid by them to the protected company:

(2) If any difference shall arise with respect to any matter under this section between the Council and the protected company or their respective engineers or concerning any plans sections or description to be delivered to the protected company under the foregoing provisions of this section the matter in difference shall be determined by arbitration under and according to the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference after notice thereof in writing to the other of them.

For protection of Woking District Gas Company Limited.

34. If any interruption in obstruction to or interference with the supply of coal by means of the canal to works at Woking of the Woking District Gas Company Limited or in to or with the supply of water from the canal to the said works shall be in any way occasioned or sustained by any act or omission of

the Council or any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in the execution of any works under the powers of this Act the Council shall pay to the said gas company such compensation for loss or damage sustained as may be agreed or failing agreement as shall be settled by arbitration in the manner provided for arbitration in the section of this Act the marginal note whereof is "For protection of gas water and electric mains &c."

Costs of Act.

35. The costs charges and expenses of and incident to the preparing for obtaining and passing this Act or otherwise in relation thereto as taxed by the Taxing Officer of the House of Lords or of the House of Commons shall in the first instance be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed under this Act for that purpose but subsequent thereto such proportion thereof as may be determined by agreement or in default of agreement be determined by arbitration shall be repaid to the Council by the company and until repaid shall stand charged upon the canal undertaking as if the same had been incurred by the Council in respect of repair and maintenance of canal bridges by the Council under this Act.

A.D. 1911.

The SCHEDULE referred to in the foregoing Act.

Name of Bridge.	Road in which situated.
Monument Bridge - - - -	Monument Road.
Guildford Bridge - - - - -	Chertsey Road.
Wheatsheaf Bridge - - - -	Chobham Road.
Step Bridge (Footbridge) - - -	Horsell Moor.
Arthurs Bridge - - - - -	Arthurs Bridge Road.
Hermitage Bridge - - - -	Asylum Road.
Brookwood Bridge - - - -	Bagshot Road.

Printed by EYRE and SPOTTISWOODE, Ltd.,
FOR
ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.