

**CHAPTER lviii.**

An Act to empower the urban district council of Milford Haven to construct additional water-works and for other purposes. A.D. 1930.

[15th April 1930.]

WHEREAS the urban district council of Milford Haven (hereinafter referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the urban district of Milford Haven (hereinafter referred to as "the district") and there are in force in the district the unrepealed provisions of the Milford Improvement Act 1857 the Milford Improvement Act 1869 and the Milford Haven Orders 1884 to 1928 (which Acts and Orders are hereinafter referred to together as "the local Acts and Orders" and separately as the Acts and Orders of the year in which they were passed) :

And whereas under the provisions of the local Acts and Orders the Council carry on a water undertaking and supply water within the district and certain other areas :

And whereas by the local Acts and Orders the Council were empowered to borrow moneys within the limits and subject to the sanctions therein provided for the purposes of their water undertaking :

And whereas the demands for the supply of water within the said limits have increased and are increasing

A.D. 1930. — and it is expedient that the Council be authorised to obtain additional sources of water supply and to construct additional waterworks as in this Act described and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking :

And whereas it is expedient that the Council be empowered to borrow moneys for the purposes of this Act :

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

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

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

	£
For the purchase of lands - - - -	2,800
For the construction of the waterworks authorised by this Act - - - -	54,155

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

Parliament assembled and by the authority of the same A.D. 1930.
as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Milford Haven Short title.
Urban District Council Act 1930.

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

Division of
Act into
Parts.

- Part I.—Preliminary.
- Part II.—Waterworks.
- Part III.—Lands.
- Part IV.—Supply of water.
- Part V.—Financial.
- Part VI.—Miscellaneous.

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

Incorporation of Acts.

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands:

Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of waterworks;

Mines;

The breaking up of streets for the purpose of laying pipes;

The provision for guarding against fouling the water of the undertakers:

(3) The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers:

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

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Interpreta-
tion.

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

“the Council” means the Milford Haven Urban District Council;

“the district” means the urban district of Milford Haven;

“the clerk” means the clerk of the Council;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“the water undertaking” means the water undertaking of the Council authorised by this Act and includes the existing works and mains belonging to the Council;

“revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

“the Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed:

“ statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security 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. A.D. 1930.

(2) For the purposes of this Act the expressions “ the promoters of the undertaking ” “ the company ” and “ the undertakers ” in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Council and the expression “ the railway ” shall be construed to mean so much of any aqueduct conduit line or lines of pipes by this Act authorised as shall not be constructed in a highway and “ the centre of the railway ” shall be construed to mean so much of such aqueduct conduit line or lines of pipes as aforesaid.

PART II.

WATERWORKS.

5.—(1) Subject to the provisions of this Act the Council may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):— Power to make waterworks.

Work No. 1 A line or lines of pipes commencing at or in the northern service reservoir of the Council in enclosure numbered 1332 on the $\frac{1}{2500}$ Ordnance map Pembrokeshire sheet XXXIII-14 (edition 1908) in the parish of Steynton passing through the parishes of Steynton Johnston hamlet of St. Thomas' Haroldston St. Issells the borough of Haverfordwest the parishes of North Prendergast Rudbaxton Wiston

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Clarbeston Walton East Llysyfran and terminating at or in the filter house Work No. 2 hereafter described in the parish of Henry's Moat;

Work No. 2 A filter house wholly in the said parish of Henry's Moat situate in the enclosure numbered 332 on the $\frac{1}{2500}$ Ordnance map Pembrokeshire sheet XVII-8 (edition 1907) in the said parish of Henry's Moat and distant 2 chains or thereabouts measured in a south-westerly direction from the centre of the footbridge over the Afon Syfynwy at Rhyd Fawr and 1 chain or thereabouts measured in a south-easterly direction from the north-western corner of the said enclosure;

Work No. 3 A line or lines of pipes wholly in the said parish of Henry's Moat commencing at or in Work No. 2 hereinbefore described and terminating at in or through the dam or embankment forming part of the impounding reservoir Work No. 4 hereinafter described at a point 0.4 chain or thereabouts measured in a north-easterly direction from the north-eastern corner of enclosure numbered 143a on the $\frac{1}{2500}$ Ordnance map Pembrokeshire sheet XVII-14 (2nd edition 1907) in the said parish of Henry's Moat and 1.7 chains or thereabouts measured in a westerly direction from the western corner of enclosure numbered 144 on the last mentioned Ordnance map and in the last mentioned parish;

Work No. 4 An impounding reservoir capable of holding 55,000,000 gallons or thereabouts of water and situate in the parishes of Henry's Moat and Morvil in the rural district of Haverfordwest to be formed by a dam or embankment in the said parish of Henry's Moat 4 chains or thereabouts in length across the stream known as Afon Syfynwy 0.4 chain or thereabouts measured in a north-easterly direction from the north-eastern corner of enclosure No. 143a on the $\frac{1}{2500}$ Ordnance map Pembrokeshire sheet XVII-4 (2nd edition 1907) in the said parish of Henry's Moat and extending up the valley of the said stream known as

Afon Syfynwy to a point 14·7 chains or thereabouts measured in a south-westerly direction from the building known as Ddolwenisaf in the said parish of Henry's Moat.

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(2) In addition to the foregoing works the Council may upon the said lands or on any lands belonging or which may belong to them or over which they have obtained or may obtain easements and in through along over or across streets roads and footpaths make maintain alter renew and repair all such culverts tunnels shafts catch-waters drains junctions overflows discharge pipes sluices bye-washes conduits mains pipes valves gauges tanks basins filter beds filters embankments dams retaining walls bridges roads footpaths tramroads approaches telegraphic and telephonic apparatus machinery buildings appliances apparatus and subsidiary works as may be necessary or convenient in connection with the works hereinbefore described or any of them but nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Provided that any telegraphic or telephonic apparatus made or maintained by the Council shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

6. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and

Limits of
deviation.

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three feet in addition thereto and that except for the purpose of crossing over a stream or railway no part of the lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Time for
completion
of works.

7. If the waterworks are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making and construction of those works or otherwise in relation thereto shall cease except as to such of them as shall then be completed.

Temporary
discharge of
water into
streams.

8.—(1) For the purpose of constructing maintaining repairing cleansing or examining any of the waterworks or for the purpose of disposing of any water flowing into any excavation made by the Council during the construction and for the purposes of any of those works the Council may cause the water in any such work to be temporarily discharged into any available river stream ditch or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation in case of difference to be referred to and settled by an arbitrator to be agreed upon between the Council and the party claiming compensation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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

Works to
form part
of under-
taking.

9. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever form part of and be comprised in the water undertaking.

10. The Council may subject to the provisions of this Act pump collect impound take use divert and appropriate or continue to pump collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the Afon Syfynwy and all such springs streams or waters as may be or are intercepted by the waterworks or any of them or any works in connection with or subsidiary to such works respectively which may be constructed under the powers of the section of this Act of which the marginal note is "Power to make waterworks."

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Power to
take water.

11. The Council shall not appropriate from the Afon Syfynwy more than two million gallons of water per day of twenty-four hours and subject thereto the following provisions shall apply:—

Restrictions
on taking
water.

(1) Until the date of the completion of the said reservoir the Council may take from the Afon Syfynwy any water they may require subject to the following restrictions:—

(a) They shall place a gauge weir across the said brook at or near the embankment of the said reservoir through an aperture in which eight hundred and seventy-five thousand gallons of water shall be allowed to pass and flow down the brook every day of twenty-four hours;

(b) On any such day during such time as the flow of water in the said brook shall be less than at the rate of eight hundred and seventy-five thousand gallons per day of twenty-four hours the Council shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Council may take all or such part of the excess as they may require:

(2) After the said reservoir is completed the following provisions shall apply —

(a) The Council shall during every day of twenty-four hours discharge or cause to flow from the said reservoir into the Afon Syfynwy at a point therein situate not more than two

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hundred yards below the foot of the embankment of the reservoir not less than eight hundred and seventy-five thousand gallons of water (hereinafter referred to as "compensation water") in a continuous flow;

(b) For the purpose of measuring the said compensation water the Council shall construct and maintain at a point on the said brook below the said reservoir not more than two hundred yards from the foot of the embankment thereof a proper and sufficient automatically recording measuring gauge over or through which the said compensation water shall flow and the said gauge and the records obtained by means thereof shall be open to the inspection and examination of the Cleddau Board of Conservators (hereinafter referred to as "the fishery board") and of all persons interested therein;

(c) For the purpose of measuring the quantity of water which the Council by this section are entitled to take the Council shall construct and maintain a proper and sufficient automatically recording measuring meter through which the water taken shall pass and the said meter and the records obtained by means thereof shall be open to the inspection and examination of the fishery board and of all persons interested in the flow of the brook:

- (3) If the Council fails to comply with any of the provisions of this section they shall for every day on which such non-compliance occurs forfeit and pay to the persons affected by such non-compliance including the fishery board who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them (including the fishery board) the amount of such compensation to be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party:

(4) If any difference arises between the Council and the fishery board or any person interested therein with respect to the form construction maintenance or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party :

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(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Afon Syfynwy which the Council can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the brook.

12.—(1) Notwithstanding the provisions of subsection (5) of the section of this Act of which the marginal note is "Restrictions on taking water" if any mill or factory existing at the passing of this Act and obtaining power from the waters of the Afon Syfynwy shall be injuriously affected through loss of water power by the carrying out by the Council of the works authorised by this Act the Council shall compensate the owner or occupier of any such mill or factory in such manner other than by a supply of water beyond the quantity stipulated for by the hereinbefore mentioned section of this Act as may be agreed upon between the respective owners and occupiers of any such mill or factory and the Council or in default of agreement as may be determined by an arbitrator to be appointed as hereinafter provided.

For protection of certain mills and factories.

(2) If any difference shall arise under this section between the Council and any such owner or occupier aforesaid such difference shall be referred to and be determined by an engineer to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply.

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Byelaws for
preventing
pollution of
water.

13.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force in reference to the lands in the parishes of Henry's Moat Morvil Maenclochog and Nevern shown and referred to in the deposited plans as the "catchment area" or within so much of that area as may be defined in the byelaws.

(3) In addition to the requirements of section 184 of the Public Health Act 1875 the Council shall exhibit in some conspicuous place in the said area copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of Pembroke one month at least before application is made for their confirmation and before confirming the byelaws the Minister of Health shall have regard to any representations thereon which may be made within the said month by the said county council.

(5) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they apply to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this section.

(6) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Council without the consent in writing of the Attorney-General. A.D. 1930.
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PART III.

LANDS.

14. Subject to the provisions of this Act the Council may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may stop up and discontinue such footpaths as are shown on the deposited plans as intended to be stopped up or as are included within the limits of the lands to be acquired compulsorily and which shall be acquired by the Council for the purposes of this Act: Power to take lands.

Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

15. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease on the expiration of three years from the passing of this Act. Limit of time for compulsory purchase of lands.

16. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Pembroke for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace Correction of errors in deposited plans and book of reference.

A.D. 1930. — for such county and a duplicate thereof shall also be deposited with the clerk and also with the clerks of the councils of the parishes in which the lands affected are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace clerk and clerks of the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Temporary
stoppage of
streets.

17. The Council may (with the consent of the road authority) during the execution and for the purposes of any work authorised by this Act stop up any street and prevent all persons other than those bona fide proceeding to or returning from any house in the street from passing along and using the same for any reasonable time and the Council shall provide reasonable access for all persons so bona fide proceeding to or returning from any such house.

Council may
acquire
certain ease-
ments com-
pulsorily.

18. Notwithstanding anything contained in this Act (excepting the section of which the marginal note is "Crown rights") the Council may purchase and acquire an easement or right of constructing maintaining and using the works authorised by this Act in under or over any railways rivers navigations and commons and commonable lands without the Council being obliged or compellable to purchase any greater interest in under or over the same respectively Provided that the surface of any common or commonable land which may be disturbed by reason of any easement or right acquired therein shall as soon as possible be restored by the Council to its original condition.

Council may
acquire
easements
only in cer-
tain cases.

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

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed. A.D. 1930.
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(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

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

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

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

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable

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to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

- (c) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the arbitrator or other tribunal to whom the question of disputed compensation is referred under the Lands Clauses Acts (in this Act referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice; A.D. 1930.

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

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

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

21. In settling any question of disputed purchase money or compensation for lands acquired by the Council under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made with a view to

Compensation in case of buildings recently erected.

A.D. 1930: obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Council of such lands.

Power to enter upon property for survey and valuation.

22. The Council and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

Powers for protection of water supply.

23.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take or which may flow into any waterworks of the Council the Council may by agreement purchase take on lease or acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the

water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

24. The Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

Purchase of
additional
lands by
agreement.

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

Persons
under dis-
ability may
grant ease-
ments &c.

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Reservation
of water
rights &c.
on sale.

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

Power to
retain sell
&c. lands.

27.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other Act or Order relating to the water undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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

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

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

A.D. 1930.

28.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act or any other Act or Order relating to the water undertaking the Council may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of the said Acts in the purchase of lands so remaining to be acquired but the Council shall apply any capital moneys so received and not applied as aforesaid in or towards the extinguishment of any loan raised by them under the powers of the said Acts or under any other power of raising money for the purpose of the water undertaking and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of
sale of sur-
plus lands.

(2) Provided that—

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

(b) the borrowing powers conferred by the said Acts shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

A.D. 1930.

(3) Subject as aforesaid any capital moneys received by the Council under the section of this Act of which the marginal note is "Power to retain sell &c. lands" shall be applied in such manner as may be approved by the Minister of Health.

PART IV.

SUPPLY OF WATER.

Powers in
relation to
water mains.

29. Subject to the provisions of this Act the Council shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes thereof the limits within which the Council are for the time being authorised to supply water shall be deemed to be the district:

Provided that the Council shall not exercise such powers under or across any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

Supply of
water to
houses
partly used
for trade
&c.

30.—(1) The Council shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority.

(2) Where a supply of water to a farm-house is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farm-house at the ordinary rate calculated on the yearly rateable value thereof.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section

mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same yearly rateable value. A.D. 1930.

PART V.

FINANCIAL.

31.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) The purchase of lands and easements for the works authorised by this Act.	£ 2,800	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act.	54,155	Forty-five years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act or of the water undertaking.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

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Certain provisions of Public Health Acts not to apply.

32. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act and any sums which they have borrowed or may hereafter borrow for the purpose of constructing works for the supply of water shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not in any way be restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

33. The Council may raise all or any moneys which they are authorised to borrow or re-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. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

34. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply mutatis mutandis to mortgages granted under this Act.

As to section 234 of Public Health Act 1875.

35. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Acts shall be deducted from the total debt of the Council under those Acts.

Mode of payment off of money borrowed.

36. 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 one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months of the date of borrowing. Provided that it

shall not be obligatory upon the Council to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) and (b) mentioned in subsection (1) of the section of this Act of which the marginal note is "Power to borrow" until the thirty-first day of March next after the works for which the moneys are borrowed are brought into use.

A.D. 1930.

37.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of this Act such sinking fund shall subject to the provisions of the section of this Act whereof the marginal note is "Mode of payment off of money borrowed" be formed and maintained either—

Sinking
fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the sum for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter 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 and a half per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the sum for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

A.D. 1930. 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 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 annual payments to the fund are based any such excess may be applied towards such 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 not be sufficient to repay within the prescribed period the sum 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 if it appears to the Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations

thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the sum 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 amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the sum for the repayment of which the sinking fund is formed.

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(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 Minister of Health be sufficient to repay within the prescribed period the sum for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the sum for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister of Health may determine.

38. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the repayment of moneys borrowed in relation to the water undertaking the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Council shall be paid and provided out of the revenue of the water undertaking and any interest dividends and annual proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be carried to and form part of the revenue of the water undertaking and shall be available for the payment of interest on loans of that undertaking.

Investment
of and pay-
ments into
sinking
fund.

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Power to
use sinking
fund instead
of bor-
rowing.

39.—(1) Where the Council are authorised by any statutory borrowing power to raise money they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed by the Council. Provided that the Council shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power. Provided also that when exercising the powers of this section the Council shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in

such proportions as the Council shall determine Provided A.D. 1930.
that the amount of the moneys deemed to be discharged
in respect of any borrowing power shall not exceed
the amount of the contributions paid in to the sinking
fund in respect of that borrowing power and the accu-
mulations (if any) thereon.

40.—(1) The Council shall have power—

Power to
re-borrow.

(a) to borrow for the purpose of paying off any
moneys previously borrowed under any
statutory borrowing power 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 bor-
rowed under any statutory borrowing power
and which at the time of such repayment it
was intended to replace by borrowed moneys.

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

(3) The 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.

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Use of
moneys
forming
part of
reserve and
other funds.

41. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any reserve renewals depreciation contingent or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

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

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so decide repay the same at any time within the period aforesaid:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power:
- (3) Any repayment made or interest paid shall be treated in the accounts of the Council as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power:
- (4) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Reserve
fund.

42.—(1) The Council may if they think fit form and maintain a reserve fund in respect of the water undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose

such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council upon the water undertaking and any such fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or for payment of the cost of renewing improving or extending any part of the works comprised in the water undertaking or otherwise for the benefit of the water undertaking and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(2) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the water undertaking and shall be available for the payment of interest on loans of that undertaking but the reserve fund shall in that year be increased by a sum equal to the amount of such interest unless such fund amounts to the maximum prescribed by subsection (1) of this section.

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

43.—(1) The Council shall keep their accounts in respect of the water undertaking so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division on the one side all receipts including the interest on any reserve fund by this Act authorised and on the other side all payments and expenses in respect of the water undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

Separate accounts in respect of water undertaking.

- (a) The working and establishment expenses and costs of maintenance of the water undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the water undertaking;

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- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the water undertaking;
- (d) The amount (if any) paid to a reserve fund created by the Council in accordance with the provisions of the section of this Act of which the marginal note is "Reserve fund";
- (e) The repayment to the rate or fund out of which any deficiencies in the water undertaking in previous years may have been contributed of the amount of such deficiencies incurred after the passing of this Act;
- (f) All other expenses (if any) of the water undertaking properly chargeable to revenue;
- (g) The Council may (if they think fit) apply money received by them on account of the revenue of the water undertaking in the construction renewal extension and improvement of works and conveniences for the purposes of such undertaking.

(2) Whenever the money received by the Council from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

(3) Notwithstanding anything contained in section 92 of the Milford Improvement Act 1857 all money received by the Council on account of the revenue of their water undertaking shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

44. Where more persons than one are registered as joint holders of any security of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council by any other of them.

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Interest on securities held jointly.

45. If any moneys are payable to a mortgagee or holder of any security being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Receipt in case of persons not sui juris.

46. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

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

Return to Minister of Health with respect to repayment of debt.

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be

A.D. 1930. — paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Protection
of lender
from
inquiry.

48. 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 misapplication or non-application of the money lent or of any part thereof.

Council not
to regard
trusts.

49. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall 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.

Appoint-
ment of
receiver.

50.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one-tenth part of the

amount for the time being owing by the Council upon mortgage of the water undertaking. A.D. 1930.

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

(3) Section 86 of the Milford Improvement Act 1857 section 9 of the Milford Improvement Act 1869 and article X of the Milford Haven Order 1900 as extended by section 1 (3) of the Milford Haven Order 1928 are hereby repealed.

51. All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

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

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

PART VI.

MISCELLANEOUS.

53.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers Meters in streets to measure water or detect waste.

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or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Application
of section 35
of Water-
works Clauses
Act 1847:

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

Purchase of
water in
bulk.

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

Contracts
for supply-
ing water in
bulk.

56. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the limits of this Act. Provided also that nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the limits of this Act.

Notice to
Council of
connecting
or discon-
necting
meters.

57. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to

the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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58. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

Injuring
meters &c.

And in any cases in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case

A.D. 1930. — may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Extension
of power
to inspect
premises.

59. In addition to any existing powers of entry upon and inspection of premises any officer of the Council may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Council in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Fittings not
to be subject
to distress
&c.

60. Any fittings let for hire by the Council shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Penalty for
interference
with sluices
&c.

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

(2) Where the owner or occupier of any house or building or part of a house or building or premises is not for the time being entitled to a supply or the continuance of a supply of water by the Council to or in respect of such house or building or part of a house or building or premises any person who shall without the authority of the Council turn on or cause or permit to be turned on or permit to remain on any sluice cock

valve or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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62. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contribution shall be settled by the engineer or clerk of the Council.

Main-
tenance of
common
pipe.

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

As to com-
munication
pipes.

(2) The Council by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any streets in the limits of supply may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

64. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication

Power to
Council to
repair com-
munication
pipes.

A.D. 1930.

— pipe shall have been ascertained the expense incurred by the Council for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

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

Council to connect communication pipes with mains.

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

Authentication and service of notices by Council.

66. Any notice to be served by the Council on a person supplied with water shall be sufficiently authenticated by the signature of the clerk or other officer of the Council for the time being authorised in writing by the Council affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the clerk or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last

known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

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

Recovery of
penalties
&c.

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

Recovery of
demands.

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

Several
sums in one
summons.

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

Judges not
disqualified.

71. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed in writing between the Great Western Company and the Council apply and have effect (that is to say) :—

For protec-
tion of Great
Western
Railway
Company.

- (1) Work No. 1 or any other main pipe or sewer laid under the powers of this Act if carried

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under the railway of the Great Western Company or under any public road crossing such railway on the level shall for its entire length across the said railway be laid and carried by means of a steel or iron pipe founded on and surrounded by Portland cement concrete or enclosed in a subway to be constructed and maintained by the Council so that no part of such work shall be less than three feet below the level of the rails of the said railway at the point of crossing :

- (2) In constructing the said works at the said points of crossing and in constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Council by this Act authorised which may be situate upon across over under or in any way affecting the railway or works of the Great Western Company the same shall be done by and in all things at the expense of the Council except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Great Western Company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :
- (3) The Council shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the Great Western Company and the roads which the Great Western Company are liable to maintain over or under any bridge or over any level crossing of such railway or over the approaches to any

A.D. 1930.

such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Council :

- (4) If the Great Western Company so elect they may themselves execute and maintain the said works (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Council (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the Great Western Company in and about such works) :
- (5) All such works shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the Great Western Company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Council or by reason of the failure of the Council to maintain such works or if any bursting leakage or failure of the works of the Council over under or near to any railway or works of the Great Western Company shall cause any injury to such railway or works all such injury shall forthwith be made good by the Council at their own expense and to the reasonable satisfaction of the said engineer and the Council shall be responsible for and save harmless and indemnify the Great Western Company from all claims in respect of any such injury or interruption and shall make compensation to the Great Western Company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :
- (6) In the event of the Council failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the Great Western Company) in substantial repair and

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good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the Great Western Company may make good the same and make and do in and upon as well the lands of the Council as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Council :

- (7) If it should be necessary during the construction of any works authorised by this Act or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the Great Western Company the Great Western Company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (8) The Council shall not under the powers of this Act acquire compulsorily any lands of the Great Western Company save and except that the Council may acquire and the Great Western Company on being required so to do by the Council shall sell to the Council such a right or easement as may be necessary to enable the Council to construct and maintain Work No. 1 by this Act authorised over under or across the railway of the Great Western Company and the Council shall pay to the Great Western Company for any right or easement which they may so require the Great Western Company to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement :
- (9) The Council shall bear and on demand pay to the Great Western Company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Act over under or

across or in any way affecting the railway of the Great Western Company of such signalmen or watchmen to be appointed by the Great Western Company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employ of the Council or their contractors :

- (10) If the Great Western Company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Council may have been constructed or laid the Great Western Company may after giving to the Council twenty-eight days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the said works of the Council across over or under their railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that any works executed by the Great Western Company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Council and to the reasonable satisfaction of the Council :
- (11) Any additional expense which the Great Western Company may reasonably incur in widening altering reconstructing repairing or

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maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Council laid or executed under the powers of this Act upon across over or under the same shall be paid by the Council :

- (12) The Council shall not without the previous consent of the Great Western Company exercise the powers conferred on them by the sections of this Act of which the marginal notes are—

Meters in streets to measure water or detect waste ;

Application of section 35 of Waterworks Clauses Act 1847 ;

As to communication pipes ;

Power to Council to repair communication pipes ;

in respect to any street road sewer pipe line wire or apparatus which is the property of the Great Western Company but such consent shall not be unreasonably withheld :

- (13) Nothing in this section contained shall prejudice alter or affect the rights of the Great Western Company or the Council under any agreement between them relating to the mains pipes or other works of the Council and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply :

- (14) Except as in this section otherwise expressly provided any difference arising between the Council and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

72. For the protection of the county council of the administrative county of Pembroke (hereinafter called "the county council") the following provisions unless otherwise agreed in writing between the Council and the county council shall apply and have effect (that is to say) :—

A.D. 1930.

—
For protec-
tion of Pem-
broke-shire
County
Council.

- (1) All pipes or works to be laid in any road shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct after consultation with the Council's engineer :
- (2) In relation to any road or county bridge section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall except in cases of emergency and except for the laying connecting or repairing of consumers' service pipes have effect as if the word "five" were substituted for the word "three" in that section :
- (3) The Council shall not except with the consent of the county council or their surveyor permit any trench made by them in any road to be opened for a greater consecutive distance than two hundred yards :
- (4) In the case of any mains or pipes which it is necessary to lay otherwise than in the roadway over any county bridge the same shall be carried either on or alongside such bridge in such manner as the county council may in writing under the hand of their surveyor reasonably direct and except as aforesaid the Council shall not interfere with the structural part of any such bridge :
- (5) If the Council shall in the execution or repair of any of the works of the Council make any trench or excavation in the roadway or footpath of any road or over any county bridge then the Council shall fill in and properly ram such trench or excavation and after they have done so shall reinstate and make good the surface of such roadway or footpath and such filling

A.D. 1930.
—

in ramming and reinstatement shall be carried out to the reasonable satisfaction of the county council or their surveyor :

(6) (a) Nothing in this Act shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any road or to remove alter rebuild widen or repair any bridge in under over or attached to which any mains or pipes of the Council are carried but the county council shall take all reasonable precautions to prevent injury to such mains or pipes ;

(b) The county council in repairing any road bridge or culvert shall not be liable to the Council except in case of negligence for any damage which may be done to any of the mains pipes or other works or apparatus of the Council caused by or resulting from the execution by the county council of any reasonable work of repair or maintenance of any such road bridge or culvert or the reasonable use of any road roller or other engine not exceeding ten tons in weight ;

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

(d) The county council shall afford all reasonable facilities to the Council for such alterations and also (during the alteration deviation improvement rebuilding widening or reparation of such road or bridge) for temporarily carrying or supporting such mains or pipes along

the road or across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Council may carry such mains or pipes accordingly;

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(e) (i) The expenses reasonably incurred by the Council in altering pursuant to a notice given by the county council the position of any mains or pipes of the Council in any road shall be borne by the county council and repaid by them to the Council;

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

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

- (7) If the Council after notice from the county council under the hand of their surveyor shall neglect to do or complete any work or act required by subsection (5) or (6) of this section to be done by the Council then and in any such case the county council may do such work or act themselves causing as little damage or inconvenience to the Council as the circumstances may admit and the Council shall repay to the county council all expenses reasonably incurred by the county council in connection with any such work or act:

A.D. 1930.

- (8) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Council shall not be placed on the metalled portion of any road or in or upon any county bridge without the written consent of the county surveyor and subject to such conditions and directions as he may require or give :
- (9) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any road or in or upon or across any county bridge not required by the Council or the county council for the purpose of reinstating and making good the said road or bridge may be used by the county council for the maintenance and repair of any road and may be removed by the county council for that purpose :
- (10) If any difference shall at any time arise between the county council and the Council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration as aforesaid.

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

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

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

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the

site thereof to its former condition at the cost of the Council and the amount of such cost shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

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

Survey of
works by
Board of
Trade.

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

Abatement
of work
abandoned
or decayed.

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

(3) If during the period of thirty days from the date when the notice is served upon the Council they have failed to comply with such notice the Board of

A.D. 1930. Trade may execute the works required to be done by the notice at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Crown
rights.

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

Costs of
Act.

77. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may in the first instance be paid out of any moneys in their hands but ultimately if the Council so determine out of moneys to be borrowed under the powers of this Act.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1930.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY MAY
BE TAKEN COMPULSORILY.

Parish.	No. on deposited plan.
Steynton - -	2 3 4 5 6 8 9 10 11 13 14 15 16 18 19 20 21 22 23 24 25 26 27.
Johnston - -	2 5 7 8 9 10 13 14 15 16 17.
Hamlet of St. Thomas	2 3 4 5 6.
Haroldston St. Issels	1 2.
Hamlet of St. Thomas	2 4 5 6 7 8.
Haroldston St. Issels	1 2 3.
St. Thomas - -	1 2 4 5 6 7 8
St. Martin - -	2 3 4 5 6 7 8 10 11 12 13 15.
North Prendergast -	2 3 4 5 6 7 8.
Rudbaxton - -	2 3 4 5 6 7 8 9 13 14 15.
Wiston - - -	2 3 4 5 6 7 8 9.
Walton East - -	3.
Llys-y-Fran - -	2 4 6 7 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 40 41 42.
Henry's Moat (Work No. 1) - -	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16.
Henry's Moat (Work No. 3) - -	1 2 3 4 5 6 7 8.

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