

[21 & 22 GEO. 5.] *Seaton Urban*  
*District Council Act, 1931.*

[Ch. xcvi.]



## CHAPTER xcvi.

An Act to authorise the Seaton Urban District Council to construct new waterworks for obtaining a supply of water from the Holyford Brook and for other purposes. A.D. 1931.

[31st July 1931.]

**W**HEREAS the urban district of Seaton in the county of Devon (in this Act called "the district") is an urban sanitary district within the meaning of the Public Health Act 1875 and an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Seaton (in this Act called "the Council"):

And whereas under the provisions of the Public Health Acts the Council is supplying water within its district and such water is purchased in bulk from the Right Honourable Charles John Robert Hepburn-Stuart-Forbes-Trefusis Baron Clinton under two leases both of which expire in the year one thousand nine hundred and forty-seven but the maximum quantity of water to which the Council are entitled under such leases is limited and both leases contain a provision under which any supply of water to the Council is dependent on the prior right of the inhabitants for the time being of the district comprised within the Rolle Estate in the parishes of Seaton and Beer to the full quantity of water required by them:

And whereas the district is a health resort and watering place and it would be of public and local

[Price 1s. 6d. Net.]

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A.D. 1931. advantage if the Council were empowered to obtain a permanent supply of water from the Holyford Brook and for that purpose to acquire lands and to make and maintain the works described in this Act :

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

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

	£
For the purchase of land and easements for the waterworks authorised by this Act - - -	3,200
For the construction of the waterworks authorised by this Act - - -	15,000

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

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 or under the powers of this Act were duly deposited with the clerk to the county council of Devon which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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 :

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

#### PART I.

##### PRELIMINARY.

Short title.        **1.** This Act may be cited as the Seaton Urban District Council Act 1931.



2. This Act is divided into Parts as follows :— A.D. 1931.  
 Part I.—Preliminary. —  
 Part II.—Waterworks. Division of  
 Part III.—Lands. Act into  
 Part IV.—Supply of water. Parts.  
 Part V.—Financial and miscellaneous provisions.

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 incorporated with and form part of this Act (that is to say) :— Incorporation of Acts.

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 ;

The Waterworks Clauses Acts 1847 and 1863 except the words “ with the consent in writing of the “ owner or reputed owner of any such house or “ of the agent of such owner ” in section 44 of the said Act of 1847 and except sections 75 to 82 of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts ;

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

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

“ The Council ” means the Seaton Urban District Council ;

“ The district ” means the urban district of Seaton ;

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- “ The water undertaking ” means the water undertaking of the Council authorised by this Act and includes the existing waterworks of the Council ;
- “ The limits of supply ” means the limits within which the Council are for the time being authorised to supply water ;
- “ The clerk ” means the clerk to 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 tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the district ;
- “ 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 ;
- “ 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; A.D. 1931.  
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“The 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 belonging to the Council and the rates or contributions leviable by or on the order or precept of the Council.

(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 or 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 or line or lines of pipes as aforesaid.

## PART II.

### WATERWORKS.

5.—(1) Subject to the provisions of this Act the Council may wholly in the county of Devon and 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 An intake and weir in the parish of Colyton to be constructed across the stream known as Holyford Goyle or Holyford Brook at a point one chain or thereabouts measured along the said stream in a westerly direction from the eastern boundary of the enclosure numbered 1555 on the  $\frac{1}{2500}$  Ordnance map Devonshire sheet LXXXIII—7 (second edition 1904);

Work No. 2 A catchwater drain or line of pipes in the said parish of Colyton commencing in enclosure numbered 1491 on the said  $\frac{1}{2500}$  Ordnance map and terminating in Work No. 1;

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Work No. 3 A catchwater drain or line of pipes commencing in the parish and urban district of Seaton in the enclosure numbered 3 on the said  $\frac{1}{2500}$  Ordnance map and terminating in Work No. 1;

Work No. 4 A line or lines of pipes commencing in Work No. 1 and terminating in the parish and urban district of Seaton in the existing main of the Council in Sidmouth Street at a point 1.50 chains or thereabouts measured in a southerly direction from the junction of the said street with Hobb Lane;

Work No. 5 A line or lines of pipes commencing in the said parish of Colyton in Work No. 4 at a point 1.50 chains or thereabouts measured in an easterly direction from its commencement and terminating in the parish and urban district of Seaton in Work No. 6;

Work No. 6 A tank or service reservoir in the parish and urban district of Seaton in enclosure numbered 89 on the said  $\frac{1}{2500}$  Ordnance map;

Work No. 7 A line or lines of pipes in the parish and urban district of Seaton commencing in Work No. 6 and terminating in the existing main of the Council at the junction of Marlpit Lane with Bunts Lane.

(2) In addition to the foregoing works the Council may upon the said lands make and maintain all such tanks filter beds overflows shafts tunnels adits bores aqueducts culverts conduits mains drains banks telegraphs telephones and other subsidiary works engines machinery plant buildings and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works 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.

Limits of deviation.

6. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where in any street or road no such limits are shown the boundaries of such street or 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 not exceeding five feet upwards and to any extent downwards : A.D. 1931.

Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

7. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks or for any purposes of this Act the waters of the Holyford Brook and its tributaries and all such springs streams and waters as may be intercepted by the intake and weir (Work No. 1) and the catchwater drains or lines of pipes (Works Nos. 2 and 3) authorised by this Act or as may be situate or flowing upon any of the lands shown on the deposited plans as within the limit of land to be acquired for such works. Power to  
take waters.

8.—(1) If the works authorised by this Part of this Act are not completed within the period of five years from the thirty-first day of December one thousand nine hundred and thirty-one then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for  
completion  
of works.

(2) Provided that the Council may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

9.—(1) The Council shall not take any water from the Holyford Brook by means of Work No. 1 by this Act authorised except when water is flowing in the brook immediately above the point where Holyford Lane crosses the brook at a rate of not less than fifty thousand gallons in twenty-four hours. Restrictions  
on taking  
water.

(2) For the purpose of measuring the quantity of water which by this section the Council are required to permit to pass down the said brook the Council shall before taking diverting or appropriating any such water erect and maintain at or near the point where Holyford

A.D. 1931. Lane crosses the brook proper and sufficient automatically recording measuring gauges meters or orifices over or through which respectively the waters so taken diverted or appropriated and the waters so flowing shall pass.

(3) The said gauges and meters and the records obtained by means thereof shall be open to the examination of all persons interested in the flow of the said brook and such persons or representatives as aforesaid may take copies of the said records if they so desire.

(4) If after commencing to take water from the said brook the Council shall be guilty of any breach of any of the provisions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons injuriously affected by such breach who shall sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person.

Council  
may  
provide  
gauges.

**10.**—(1) The Council may provide place and maintain at any point or points in the Holyford Brook and above or below the intake authorised by the section of this Act of which the marginal note is "Power to make waterworks" such gauges and other apparatus for measuring the flow of the brook as they may consider necessary.

(2) The said gauges shall be erected and maintained in such manner as to interfere as little as reasonably possible with the natural flow of the said brook and with the passage of fish up and down the said brook.

Byelaws for  
preventing  
pollution  
of water.

**11.**—(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 within the parish of Colyton or within such parts of that parish 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 parish 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. A.D. 1931.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of Devon and to the clerk to the Axminster Rural District Council 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 or the said rural district council.

(5) The provisions of sections 182 to 186 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.

12.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Council the Council may cause the water in any such work to be discharged into any available stream watercourse Discharge of water into streams.

A.D. 1931. or ditch Provided that any water so discharged shall  
— be as free as may be reasonably practicable from mud  
or silt or offensive matter.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay 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 to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(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.

Telephonic  
wires and  
apparatus  
in streets.

**13.** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets the Council may for the purposes of effecting telegraphic or telephonic communication between to or from the Council's works and offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath within the limits of supply or in which any mains pipes or apparatus of the Council may be constructed or laid under the powers of this Act :

Provided that the Council shall not without the previous consent of the Southern Railway Company exercise the powers of this section in respect of any street or road belonging to or maintainable by that company but such consent shall not be unreasonably withheld.

For protec-  
tion of Post-  
master-  
General.

**14.** Any electric wires telegraphs telephones or other apparatus or appliances laid down or maintained by the Council under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges 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 telegraphic line.



PART III.

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LANDS.

**15.** Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Power to  
acquire  
lands.

**16.** The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and thirty-one.

Period for  
compulsory  
purchase of  
lands.

**17.** 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 Devon 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 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.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

**18.—(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 or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such

Council may  
acquire  
easements  
only in  
certain  
cases.

A.D. 1931. works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of such Acts.

(2) As regards any lands in respect of which the Council have acquired easements or rights 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 at all times after the completion of the works and subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands as if this Act had not passed.

(3) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

Compensation in case of recently acquired interest.

19. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November nineteen hundred and thirty if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

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

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



21. The tribunal shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

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Costs of arbitration in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

22.—(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 :

Powers for protection of water supply.

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

A.D. 1931. — 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.

(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.

Purchase of additional lands by agreement.

**23.** 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.

Persons under disability may grant easements &c.

**24.** 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. A.D. 1931.

**25.** The Council on selling any lands acquired by them in connection with the 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. Reservation of water rights &c. on sale.

**26.—(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 : Power to retain sell &c. lands.

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.

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(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.

Proceeds of  
sale of  
surplus  
lands.

**27.**—(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 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 except to such extent and upon such terms as may be approved by the Minister of Health.

(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. 1931.

(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.

**28.** The limits of this Act for the supply of water shall be the district except so much thereof as is comprised in the manor and tything of Beer as such manor and tything existed on the twenty-first day of July one thousand eight hundred and ninety-one. Limits of supply.

**29.—**(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per annum not exceeding ten per centum upon the net annual value of the premises so supplied. Provided that the Council shall not be required to supply any premises with water at a less sum than thirteen shillings per annum. Rates for supply of water for domestic purposes.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding five shillings per annum and for every

A.D. 1931. fixed bath a sum not exceeding seven shillings and six-pence per annum such additional sums to be paid quarterly in advance and be recoverable in all respects with and as the water rate.

(4) Notwithstanding the provisions of the preceding subsections of this section the Council may for a period of seven years from the passing of this Act demand and take in respect of a supply of water to any such premises as aforesaid if the point at which the water shall be discharged or flow into such premises is situate at an altitude higher than one hundred and fifty feet above Ordnance datum a rate or minimum sum exceeding by not more than one-fourth the rate or minimum sum specified in subsections (1) and (3) of this section.

Supply of water by hose-pipe to stables &c.

**30.** When water of the Council supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding thirty shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Council may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as water rates.

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

**31.**—(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 work-house public institution mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse 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 farmhouse at the rates authorised by this Act.



(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 net annual value. A.D. 1931.

**32.**—(1) Where the net annual value of a house supplied with water does not exceed fifteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. Rates payable by owners of small houses.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

**33.**—(1) If and so long as any direction given by a resolution of a rating authority passed under subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 is in force in any part of the limits of supply the section of this Act of which the marginal note is "Rates payable by owners of small houses" shall cease to have effect in that district and in lieu thereof the provisions of subsections (2) and (3) of this section shall have effect. Rates payable by owners in certain cases.

(2) With respect to every house or part of a house which is included in the class defined by the said resolution of the rating authority and is supplied with water by the Council the owner instead of the occupier shall (if the Council so determine) pay the rate for the supply of water but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from

A.D. 1931. the rent from time to time due to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service on him of a notice to pay the rate.

The provisions of this subsection shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

(3) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of subsection (2) of this section by the owner of any house or part of a house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supply by  
measure.

**34.** The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price of  
supply by  
measure.

**35.** The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the section of this Act whereof the marginal note is "Supply of water to houses partly used for trade &c.") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Charges for  
supplies for  
refrigerating  
apparatus.

**36.** Where a person who takes a supply of water for domestic purposes from the Council desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Council shall be entitled to require that all water so used shall—

(a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the consumer and the Council.



**37.**—(1) Notwithstanding anything in this or any other Act relating to the Council contained a person shall not be entitled to demand or continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council to take a supply of water by meter and to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

A.D. 1931.  
—  
Special  
terms for  
supplies to  
caravans &c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

**38.** The Minister of Health may if he thinks fit from time to time on the application of the Council or of twenty consumers of water within the limits of supply by order vary either by way of increase or decrease the rates and charges for the supply of water which the Council is by this Act authorised to charge and such order may provide for the alteration of the basis of such rates and charges :

Revision of  
water  
rates.

Provided that in the absence of exceptional reasons the Minister of Health shall not alter the maximum rates charges and prices at less intervals than every five years.

**39.**—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Council may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in

Dates for  
payment  
of water  
rates.

A.D. 1931. — each year Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the year for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to a return thereof by the Council.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the year for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

Discount  
for prompt  
payment  
of water  
rates.

40. The Council may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers. Provided also that if and so long as the Council allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Application of  
section 35 of  
Waterworks  
Clauses Act  
1847.

41. 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."

Cisterns.

42. The Council may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such



dwelling-house for a period of twenty-four hours and the Council shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section. A.D. 1931.

**43.**—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Council.

**44.** The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

**45.** 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 the 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. Notice to Council of connecting or disconnecting meters.

**46.**—(1) 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 penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

A.D. 1931.  
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(2) In any case 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 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.

(3) 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 may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to  
supply  
water  
fittings.

47.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made



thereon sufficiently indicating the Council as the actual owners thereof. A.D. 1931.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Council. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

**48.** A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council. Notice of discontinuance.

**49.**—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship Byelaws for preventing waste &c. of water.

A.D. 1931.

and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

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

Meters in streets to measure water or detect waste.

**50.**—(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 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.



(3) Provided also that the Council shall not without the consent of the Southern Railway Company exercise the powers of this section in respect of any street or apparatus belonging to or maintainable by that company but such consent shall not be unreasonably withheld. A.D. 1931.  
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**51.**—(1) The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

**52.** 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. Council to connect communication pipes with mains.

**53.**—(1) 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 there is any waste or risk of waste of water or injury or risk of injury to person or property 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 pipe shall have been ascertained the expense incurred by the Council Power to Council to repair communication pipes.

A.D. 1931. — for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable 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.

(2) 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.

Mainten-  
ance of  
common  
pipe.

**54.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or 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 contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

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

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

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



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

A.D. 1931.

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Power to  
remove  
meters and  
fittings.

**57.** Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any 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 on conviction 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 section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty  
for closing  
valves and  
apparatus.

**58.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock 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.

Penalty for  
interfering  
with valves  
&c.

**59.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Council may at all reasonable

Extension  
of power to  
inspect  
premises.

A.D. 1931. — 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.

Application of provisions of Public Health Act as to laying of water mains.

**60.** 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 of that section the limits of supply shall be deemed to be the district.

Contracts for supplying water in bulk.

**61.** The Council may enter into and carry into effect agreements with any local authority company or person for the supply of water to such authority company or person 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 the local authority and of any company corporation or person supplying water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water within the limits of supply.

## PART V.

### FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to borrow.

**62.**—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Council may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or



applied thereto shall respectively be "the prescribed period") mentioned in the third column of the said table (namely) :—

A.D. 1931.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for the works authorised by Part II (Waterworks) of this Act	£ 3,200	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by Part II (Waterworks) of this Act.	15,000	Forty-seven years from the date or dates of borrowing.
(c) Working capital - - - -	1,000	Ten years from the date or dates of borrowing.
(d) 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 required for any purpose of this Act.

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

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

**63.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that in the case of any moneys borrowed under that Act the prescribed period for the repayment of the same shall be the period mentioned in respect of such moneys in the section of this Act of which the marginal note is "Power to borrow":

Mode of raising money.

A.D. 1931.

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

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

**64.** Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Application of moneys borrowed.

**65.** All moneys borrowed by the Council shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Minister of Health determine.

Mode of payment off of money borrowed.

**66.** The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within 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 on the Board to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) and (b) mentioned in the section of this Act the marginal note whereof is "Power to borrow" until the thirty-first day of March next after the completion of the works authorised by this Act or until the expiration of five years from the passing of this Act whichever shall first happen.

Sinking fund.

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

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the



repayment of which the sinking fund is formed A.D. 1931.  
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 pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time fix will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is 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 or in accordance with the provisions of the section of this Act of which the marginal note is "Alternative application of sinking fund" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

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

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

A.D. 1931.  
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(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that 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 of Health 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 moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(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 the loan in respect of which it is formed within the prescribed period the Council may with the consent of the said Minister discontinue the equal annual payments to such sinking fund until the said Minister shall otherwise direct. A.D. 1931.

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

68.—(1) Where the Council are authorised to borrow money for any purpose they may instead of borrowing by the issue of any fresh security in respect thereof use for such purpose wholly or partially any money for the time being forming part of any sinking fund and moneys so used shall for the purposes of this Act be deemed to be 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. Alternative application of sinking fund.

(2) The Council when exercising the powers conferred on them by this section shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit the 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 such sinking fund;
- (c) debit the account of the borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon such borrowing power shall be deemed to have been

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exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Act as to repayment and re-borrowing shall apply thereto accordingly.

(3) 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 that the amount of the moneys deemed to be discharged in respect of any such borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

Investment  
of and pay-  
ments into  
sinking  
fund.

**69.** When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament the Council are empowered or required to form a sinking fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Council The accumulations of the said yearly sums shall be paid and provided out of the revenues of the Council and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof shall be carried to and form part of the revenues of the Council.

Council  
may borrow  
temporarily  
for capital  
purposes.

**70.** The Council may temporarily until provision can be made for borrowing money on mortgage or by the issue of debentures annuity certificates or stock in manner before mentioned borrow from any bank or banking company or other company or person on security of the revenues of the Council and on such terms and conditions and in such form as may be agreed any sum or sums which the Council may for the time being be authorised to borrow under this Act and any moneys so borrowed shall be subsequently repaid out of moneys duly borrowed on mortgage or



by the issue of debentures annuity certificates or stock under the powers of this Act. A.D. 1931.

**71.** 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 to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof. Protection of lender from inquiry.

**72.** 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 from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Council not to regard trusts.

**73.**—(1) The mortgagees 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. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. Appointment of receiver.

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

**74.**—(1) The Council shall have power— Power to re-borrow.

- (a) to borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

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(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.

Power to use one form of mortgage for all purposes.

**75.**—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages



granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council. A.D. 1931.  
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(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such

A.D. 1931.. register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Receipt in case of persons not sui juris.

**76.** If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Interest on securities held jointly.

**77.** 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.

Evidence of transfer or transmission of securities.

**78.** 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 and securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) 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.



**79.**—(1) The clerk shall if and when requested by the Minister of Health (in this section called “the Minister”) 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.

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Return to  
Minister of  
Health  
with respect  
to repay-  
ment 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 required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council 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 that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as 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.

**80.** All money received by the Council on account of the revenue of any undertaking for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised under the said enactments shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in

Application  
of revenue  
and pay-  
ment of  
expenses of  
under-  
takings.

A.D. 1931. — respect of those undertakings shall be paid out of that fund.

Separate  
accounts to  
be kept.

**81.**—(1) The Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of the water undertaking and the pleasure grounds undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The repayment to the general rate fund of any sums contributed therefrom to make up deficiencies in the undertaking in previous years;
- (f) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is “Reserve fund” or under any other enactment.

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

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as may be



reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried. A.D. 1931.  
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(4) 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.

**82.**—(1) The Council may (if they think fit) provide a reserve fund in respect of the water undertaking and the pleasure grounds undertaking (each of which is in this section separately referred to as “the undertaking”) or either of such undertakings by setting aside in any year in which the moneys received on revenue account in respect of the undertaking shall be in excess of the payments and expenses on revenue account in respect of the undertaking such an amount not exceeding a sum equal to the amount of the said excess as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council in respect of the undertaking not being more than one tenth of the aggregate capital expenditure on each of the undertakings. Reserve  
fund.

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

(3) Any reserve fund formed under this section shall be applicable for the payment to the general rate fund in any year in which as shown by the accounts to be kept in

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pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts to be kept" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Power to establish information bureau.

**83.** The Council may within the district establish and maintain an information bureau for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

As to publishing weather reports.

**84.** The Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

Recovery of penalties &c.

**85.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act 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.

Penalties to be paid over to treasurer.

**86.** All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid



to the treasurer of the Council and be by him carried to the credit of the general rate fund or to such other fund as the Council shall direct. A.D. 1931.  
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**87.** Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the water undertaking whether provision is or is not made for the recovery thereof in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

**88.**—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. As to notices.

(2) Notices demands orders and other documents the service whereof is required or authorised by this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served :

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

**89.** Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Council and the members and officers of the Council and the clerk as if the purposes of this Act were purposes of the Public Health Act 1875. Incorporation of sections 259 and 265 of Public Health Act 1875.

**90.** Where the payment of more than one sum by any person is due under this Act or any other Act or Order relating to the water undertaking any summons or warrant issued for any of the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons or warrant.

**91.** Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except Arbitration.

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where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889.

Informations by whom to be laid.

**92.** Save as in this Act is expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder or of any other Act or Order relating to the water undertaking may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Judges not disqualified.

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

Inquiries by Minister of Health.

**94.**—(1) The Minister of Health 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 Minister 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.

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

Powers of Act cumulative.

**95.** All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the Council by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence and provided that in cases where the provisions of this Act conflict with the provisions of the Public Health Acts the former shall prevail.



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   *District Council Act, 1931.*

96. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and such costs charges and expenses shall in the first instance be paid by the Council out of the general rate fund and general rate but ultimately out of the moneys to be borrowed under the powers of this Act for that purpose.

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Costs of  
Act.

A.D. 1931.

The SCHEDULE referred to in the  
foregoing Act.

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## FORM OF MORTGAGE.

By virtue of the Seaton Urban District Council Act 1931 and of other their powers in that behalf them enabling the Seaton Urban District Council (hereinafter referred to as "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by

(hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the said sum of pounds shall be repaid at the offices of the Council [(subject as hereinafter provided) on the day of one thousand nine hundred and ] [by ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and





