



CHAPTER xliii.

An Act to constitute a joint board consisting of representatives of the county council of the administrative county of Cumberland the urban district councils of Cockermouth Maryport and Penrith and the rural district councils of Border Cockermouth and Penrith to authorise the Board to execute works and to acquire lands and easements and to supply water and for other purposes. [13th August 1947.]

WHEREAS the urban districts of Cockermouth Maryport and Penrith and the rural districts of Border Cockermouth and Penrith are situate in the administrative county of Cumberland and are respectively under the local management and control of the urban district councils of Cockermouth Maryport and Penrith and the rural district councils of Border Cockermouth and Penrith:

And whereas the said urban and rural district councils are under the provisions of the Public Health Acts supplying water within certain parts of their respective districts but the existing waterworks of the said district councils are inadequate for the existing and prospective needs of the inhabitants of their respective districts:

And whereas it would be of public and local advantage if a joint board (hereinafter referred to as "the Board") were constituted consisting of representatives of the county council of the said administrative county of Cumberland (hereinafter referred to as "the county council") and of the six district councils above mentioned:

And whereas it is expedient that the Board should be empowered to make and maintain the waterworks by this Act authorised and to supply water in bulk in accordance with the provisions of this Act:

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

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

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:—

	£
The purchase of lands and easements ...	24,000
The construction of Work No. 1 authorised by this Act	430,000
The construction of Work No. 2 authorised by this Act	25,000
The construction of Work No. 3 authorised by this Act	131,000
The construction of water mains and other works in connection therewith ...	985,000

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to such plans 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 have been deposited with the clerk of the county council 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 county council have complied with the requirements of Part XIII of the Local Government Act 1933:

23 & 24
Geo. 5. c. 51.

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

Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the North Cumberland Water Board Act 1947. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Lands.

Part IV.—Waterworks.

Part V.—Supply of water.

Part VI.—Protective provisions.

Part VII.—Financial provisions.

Part VIII.—Miscellaneous.

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

(a) The Lands Clauses Acts with the following exceptions and modification:—

(i) sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict.
c. 18.

(ii) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by this Act; 8 & 9 Vict.
c. 20.

(c) The clauses of the Commissioners Clauses Act 1847 with respect to the following matters (namely):— 10 & 11 Vict.
c. 16.
the contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

the liabilities of the commissioners and legal proceedings by or against the commissioners.

PART I.
—cont.

(2) In the construction of the provisions of the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Commissioners Clauses Act 1847 incorporated with this Act the expressions “ the promoters of the undertaking ” “ the undertakers ” “ the company ” and “ the commissioners ” mean respectively the Board.

8 & 9 Geo. 6.
c. 42.

(3) (a) Subject to the provisions of section 4 (Board to be statutory water undertakers for purposes of Water Act 1945) of this Act the following provisions of the Third Schedule to the Water Act 1945 are incorporated with this Act (namely):—

Part I (Interpretation).

Part II (Works and lands) except section 7.

Part IV (Minerals underlying waterworks).

Part V (Power to lay mains &c.).

Part VI (Breaking open streets &c.).

Part XIII (Provisions for preventing waste &c. of water and as to meters and other fittings) section 67 only.

Part XVI (General and miscellaneous) except sections 79 81 and 84.

(b) For the purposes of the application of the aforesaid provisions—

(i) section 2 of the said schedule shall be read and have effect as if the expression “ the deposited plans ” were substituted therein for the expression “ the plans submitted to the Minister ” and the expression “ the deposited sections ” were substituted therein for the expression “ the said plans ” wherever the last-mentioned expression occurs in that section;

(ii) the expression “ limits of supply ” shall mean the area comprising the districts of the constituent authorities and any district adjacent thereto and shall not have the meaning ascribed to it by subsection (1) of section 1 of Part I of the said Third Schedule.

Board to be
statutory water
undertakers for
purposes of
Water Act 1945.

4. The Board shall be deemed to be statutory water undertakers for the purposes of the Water Act 1945 but nothing in this Act shall authorise the Board to supply water otherwise than in bulk.

Interpreta-
tion.

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

And in this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—

“ The Board ” means the North Cumberland Water Board;

“ The clerk ” and “ the treasurer ” mean respectively the clerk and the treasurer of the Board;

“ The undertaking ” means the whole of the undertaking for the time being of the Board;

“ The county ” means the administrative county of Cumberland;

“ The county council ” means the county council of the county;

“ District ” means a borough or an urban or rural district in the county;

“ Urban district ” means a non-county borough or an urban district;

“ Local authority ” means the council of a district;

“ The constituent authorities ” means the county council and the urban and rural district councils named in section 7 (Constitution of Board) of this Act together with any local authority who shall become a constituent authority under section 32 (Power to other local authorities to become constituent authorities) of this Act but for the purposes of Part V Supply of water of this Act does not include the county council;

“ The appointed day ” means the first day of April one thousand nine hundred and forty-eight;

“ Financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year;

“ The millowners ” means the occupiers of the several mills factories or works now situate or hereafter to be erected on across or near to the river Caldew who for the time being use or are entitled to use any water flowing in or derived from the said river for any purposes of or in connection with such mills factories or works or the industries carried on thereat or thereby;

“ Millowner ” means any one of the millowners;

“ The millowners’ committee ” means the committee of the millowners appointed under the provisions of section 51 (As to millowners’ committee) of this Act and as constituted for the time being and “ the secretary ” means the secretary or clerk to the millowners’ committee;

PART I.
—cont.38 & 39 Vict.
c. 83.

“ 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 nor does it include with reference to the Board any securities of the Board;

“ 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 enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933;

9 & 10
Geo. 5. c. 57.
7 & 8 Geo. 6.
c. 47.

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

“ Enactment ” includes this Act and any general or local Act Order byelaw or regulation for the time being in force within the county;

38 & 39 Vict.
c. 55.
26 Geo. 5. &
1 Edw. 8.
c. 49.

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending or extending that Act including the Public Health Act 1936;

“ The Act of 1933 ” means the Local Government Act 1933;

“ 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 Minister ” means the Minister of Health;

“ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

6.—(1) For the purposes of carrying this Act into execution there shall be a Board constituted and appointed as by this Act provided. Incorporation of Board.

(2) The Board shall be a body corporate under the name and style of the "North Cumberland Water Board" with perpetual succession and a common seal and with power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate.

7. The constitution of the Board shall (subject to alteration by the Minister as hereinafter provided) be as follows:— Constitution of Board.

Three members to be appointed by the county council;

One member to be appointed by the Cockermouth Urban District Council;

Three members to be appointed by the Maryport Urban District Council;

One member to be appointed by the Penrith Urban District Council;

Two members to be appointed by the Border Rural District Council;

One member to be appointed by the Cockermouth Rural District Council;

Two members to be appointed by the Penrith Rural District Council:

Provided that the number of members appointed by the Border Rural District Council shall be three if the Maryport Urban District Council shall elect to require the Board to supply to the said Maryport Urban District Council in accordance with the Second Schedule to this Act a maximum daily quantity of one million five hundred thousand gallons of water:

Provided also that each of the constituent authorities referred to in this section may nominate in writing under the hand of their clerk a deputy for any member so appointed by them to attend any meeting of the Board in the place of the member so appointed who for any reason is unable to attend that meeting and to vote thereat.

8.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held before the thirtieth day of November one thousand nine hundred and forty-seven or such Appointment of members of Board.

PART II.
—cont.

later date as the Minister shall allow on the application of any of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office until the thirtieth day of April one thousand nine hundred and forty-nine.

(2) Members of the Board other than the first members thereof shall subject to the provisions of this Act be appointed by the constituent authorities to hold office for a term of three years from the first day of May next following their appointment.

(3) A vacating member shall subject to the provisions of this Act be eligible for re-appointment.

Provisions
where
failure to
appoint
members.

9. If any constituent authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

Members of
Board to be
members of
constituent
authorities.

10. A person shall not be qualified to be a member of the Board nor shall a person be nominated or act as a deputy for a member of the Board under section 7 (Constitution of board) of this Act unless he is a member of the constituent authority by whom he is appointed.

Member of
two or
more
authorities
to repre-
sent one
only.

11. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and give notice in writing of such choice to the clerk and the other appointment shall be deemed void and in the event of his failing to make a choice within that period then the second and subsequent appointments shall be deemed void.

Disqualifi-
cation of
members.

12. If a member of the Board ceases to be a member of the constituent authority by whom he was appointed he shall cease to be a member of the Board:

Provided that for the purposes of this section a member of the Board shall not be deemed to have ceased by reason of retirement to be a member of such constituent authority if he has been re-elected a member thereof not later than the day of his retirement.

13. Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk of the county council and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment.

PART II.

—cont.

Certificate
of appoint-
ment of
members.

14. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk.

Resigna-
tion of
members.

15. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

Removal of
members.

16. If a member of the Board fails throughout a period of six consecutive months to attend any meeting of the Board he shall if the Board so direct cease to be a member of the Board:

Vacation of
office by
failure to
attend
meetings.

Provided that—

(a) attendance as a member at a meeting of any committee or sub-committee of the Board shall be deemed for the purposes of this section to be attendance at a meeting of the Board;

(b) a member of any branch of His Majesty's naval military or air forces when employed during war or any emergency on any naval military or air force service and a person whose employment in the service of His Majesty in connection with war or any emergency is such as in the opinion of the Minister to entitle him to relief from disqualification on account of absence shall not cease to be a member of the Board by reason only of failure to attend meetings of the Board if the failure is due to that employment.

17. Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed.

Notice of
vacancies.

18. Any casual vacancy occurring in the membership of the Board shall be filled by the appointment of a new member by the constituent authority by whom the vacating member was appointed and such new member shall hold office for the unexpired portion of the term of office of the vacating member:

Casual
vacancies.

PART II.
—cont.

Provided that where the unexpired portion of the term of office is less than three months the vacancy need not be filled.

Meetings
of Board.

19.—(1) The Board shall in every year hold an annual meeting within one month of the thirtieth day of April and at least three other meetings which shall be as near as may be at regular intervals for the transaction of general business.

(2) The Board shall hold their first meeting on such day and at such time and place as shall be appointed by the county council.

(3) Subject as aforesaid the meetings of the Board subsequent to the first meeting (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint.

Chairman
and vice-
chairman
of Board.

20.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year:

Provided that if there be an equality of votes as to the appointment of chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman.

(2) A chairman or vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification absence or any other cause another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

Special
meetings
of Board.

21. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Convening
of meetings.

22. The meetings of the Board shall be convened by the clerk of the county council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by notice delivered to each member of the Board or sent by post to or delivered at his residence or place of business three clear days at least before the day of the meeting.

23. To constitute a meeting of the Board there must be present not less than four of the members of the Board.

PART II.
—cont.
Quorum of
meetings.

24.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

Proceed-
ings at
meetings.

(2) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote:

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be any equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

25.—(1) If a member of the Board has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter:

Disability
of members
for voting.

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the district of a constituent authority or as an ordinary consumer of water or to an interest in any matter relating to the terms on which the right to participate in any service (including the supply of goods) is offered to the public.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

PART II.
—cont.

Provided that—

- (i) this subsection shall not apply to membership of or employment under any public body;
 - (ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.
- (4) A general notice given in writing to the clerk by a member of the Board to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall unless and until the notice is withdrawn be deemed to be a sufficient disclosure of his interest in any contract proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.
- (5) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (4) thereof and the book shall be open at all reasonable hours to the inspection of any member of the Board.
- (6) If any person fails to comply with the provisions of subsection (1) of this section he shall for each offence be liable to a fine not exceeding fifty pounds unless he proves that he did not know that a contract proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.
- (7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (8) The Minister may subject to such conditions as he may think fit to impose remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the districts of the constituent authorities that the disability should be removed.

(9) The Board may by standing orders provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(10) The provisions of this section shall apply in respect of members of a committee or sub-committee of the Board as those provisions apply in respect of members of the Board with the substitution of references to meetings of the committee or sub-committee for references to meetings of the Board.

26.—(1) Minutes of the proceedings of every meeting of the Board or of a committee of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and the minutes shall be approved and when approved signed by the chairman or other member presiding at the next ensuing meeting and any minute purporting to be so signed shall be received in evidence without further proof. Minutes of meetings.

(2) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee of the Board the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(3) Copies of the minutes of the proceedings of every meeting of the Board shall after the meeting be sent by the clerk to the clerk of each constituent authority for the information of that authority.

27. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same. Standing orders of Board.

28.—(1) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed and may dissolve any such committee so appointed. Committees of Board.

PART II.
—cont.

(2) The provisions of section 96 of the Act of 1933 with respect to proceedings of committees of a local authority within the meaning of that Act shall apply to committees of the Board as if they were committees of a local authority.

Appoint-
ment of
officers.

29.—(1) The Board may from time to time appoint and remunerate a clerk and a treasurer who shall not be the same person a manager and an engineer or any of such officers and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer clerk or servant hold office during the pleasure of the Board.

(2) No member of the Board or of a constituent authority shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

Acts not
invalidated.

30.—(1) No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

(2) The acts and proceedings of any person appointed to an office under this Act and acting in that office shall notwithstanding his disqualification or want of qualification be as valid and effectual as if he had been qualified.

Power to
alter
number of
members.

31. On the application of a constituent authority the Minister may at any time after giving notice of the application to the other constituent authorities and to the Board and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration.

Power to
other local
authorities
to become
constituent
authorities.

32. If at any time after the passing of this Act any local authority other than a constituent authority shall desire to be represented upon the Board and of that desire shall give not less than six months' notice in writing to the Board the Minister may on the application of such local authority after giving notice of the application to the constituent authorities and considering any objections or representations made by the Board or the constituent authorities by order include the applicant authority among the constituent authorities and make any provisions incidental to or consequential on such inclusion (including alterations of the total number of members of the Board and of the number and proportion of members to be appointed by the constituent authorities).

33.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any special or other statutory Order.

PART II.

—cont.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any Bill in Parliament as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses or out of moneys to be borrowed by the Board for the purpose:

Power for Board to apply for further powers &c.

Provided that—

- (a) No expenses in relation to the promotion of any Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by a majority of the whole number of the members of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in one or more newspapers circulating in the county such notice to be in addition to the ordinary notice required for summoning such meeting;
- (b) The resolution shall be submitted to the Minister for his approval and the Board shall not proceed with the promotion of the Bill if the Minister notifies the Board that he disapproves the resolution;
- (c) No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by a majority of the whole number of the members of the Board at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament.

34. Section 265 (Protection of local authorities and their officers from personal liability) of the Public Health Act 1875 and the following sections of the Act of 1933 shall extend to and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively (that is to say):—

Application of certain sections of Public Health Act 1875 and Act of 1933 to Board.

Section 123 (Disclosure by officers of interest in contracts);

Section 266 (Contracts of local authorities);

Section 276 (Power of local authorities to prosecute or defend legal proceedings);

Section 277 (Appearance of local authorities in legal proceedings);

Section 278 (Name of local authority need not be proved).

PART II.

—cont.

Authentica-
tion and
service of
notices &c.

35. The following sections of the Public Health Act 1936 shall so far as applicable and with any necessary modifications have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.):

Provided that for the purposes of such application the Board shall be deemed to be a council within the meaning of the said sections 283 and 284.

PART III.

LANDS.

Power to
take lands.

36. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Acquisition
of
easements.

37.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements and 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 works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act 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 those Acts except that no such easement or right shall be deemed to be part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

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

38. At any time after notice to treat has been served for any land which the Board are by this Act authorised to purchase compulsorily the Board may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

PART III.
—cont.
Further powers of entry.

39. The powers of the Board 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 nineteen hundred and forty-seven.

Period for compulsory purchase of lands.

40. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours' previous notice enter upon and into the lands authorised by this Act 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.

Power to enter property for survey and valuation.

41. For the purposes 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 January nineteen hundred and forty-seven 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.

Compensation in case of recently acquired interest.

42.—(1) 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 Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

Correction of errors in deposited plans and book of reference.

PART III.
—cont.

(2) If on any such application it appears to the justices that the omission or 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.

(3) Such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the council of the district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with the certificate.

(4) Such certificate or a copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate.

Houses for
persons in
employ-
ment of
Board.

43.—(1) The Board may purchase or take on lease houses and other buildings for persons employed by them for the purpose of their undertaking and offices and other buildings for those purposes and may erect fit up and maintain and let any such houses and buildings upon any lands for the time being belonging to the Board and (subject to the terms of the lease) upon any lands for the time being leased to the Board for those purposes.

(2) Nothing contained in this section shall empower the Board to create or permit a nuisance.

Proceeds
of sale of
surplus
lands.

44. The Board may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

PART IV.

WATERWORKS.

Power to
construct
water-
works.

45. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and

upon the lands delineated on those plans and described in the deposited book of reference the following works in the county (namely):—

PART IV.
—cont.

Work No. 1 An impounding reservoir (to be called "the Caldewhead reservoir") in the parish of Caldbeck in the rural district of Wigton in the parish of Mungrisdale in the rural district of Penrith and in the parish of Under-Skiddaw in the rural district of Cockermouth to be formed by a dam across the river Caldew in the said parish of Caldbeck and in the said parish of Mungrisdale three hundred yards or thereabouts measured in a north-easterly direction from the confluence of the Blackhazel Beck with the river Caldew;

Work No. 2 A line or lines of pipes commencing at the Caldewhead reservoir and terminating at the treatment works (Work No. 3) hereinafter described;

Work No. 3 Treatment works in the said parish of Mungrisdale one hundred yards or thereabouts measured in a westerly direction from the confluence of the Grainsgill Beck with the river Caldew.

46. The Board may divert in the manner shown on the deposited plans and thereon marked "Intended footpath diversion" the public bridle and foot-paths in the parish of Caldbeck in the rural district of Wigton and the parish of Mungrisdale in the rural district of Penrith crossing the lands numbered on the deposited plans 2 in the parish of Caldbeck and 4 in the parish of Mungrisdale respectively and may stop up and cause to be discontinued as bridle and foot-paths the existing bridle and foot-paths or parts thereof crossing the said lands and thereupon all rights of way over or along the said existing bridle and foot-paths or parts thereof shall be extinguished and the Board may appropriate and use for the purposes of the undertaking the sites of the bridle and foot-paths stopped up so far as the same are bounded on both sides by lands of the Board:

Diversion of public bridle and foot-paths.

Provided that the existing bridle and foot-paths shall not be stopped up until the diversion has been completed and is open for public use.

47. If the works authorised by this Act and shown upon the deposited plans and sections are not completed on or before the first day of October nineteen hundred and fifty-seven then as from that date the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Period for completion of works.

PART IV.
—cont.

Provided that the Board may extend enlarge alter reconstruct renew or remove any of the said works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

Power to
take
waters.

48. Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of the undertaking the waters of the river Caldew and Blackhazel Beck and such of the several feeders and tributaries thereof as may be intercepted by means of the Caldewhead reservoir (Work No. 1) by this Act authorised.

Restric-
tion on
taking
water and
discharge
of compen-
sation water.

49.—(1) During the construction of the Caldewhead reservoir the Board may subject as hereinafter provided take from the river Caldew and the Blackhazel Beck such water as they may require:

Provided that before taking any water from the river Caldew or the Blackhazel Beck they shall at a point within a distance of one hundred yards of Mosedale Bridge construct and maintain in good order a suitable weir or flume and automatically recording gauge (in this section referred to as "the Mosedale Bridge gauge") to gauge the flow of the said river and while the flow of water through or over the Mosedale Bridge gauge is less than a rate of four million gallons in twenty-four hours they shall not take any water.

(2) After the completion of the Caldewhead reservoir the Board shall subject to the provisions of section 50 (As to variation of flow of compensation water) of this Act discharge therefrom into the river Caldew such a quantity of water as will ensure as nearly as can reasonably be estimated that the flow of water through or over the Mosedale Bridge gauge is not less than four million gallons during every day of twenty-four hours reckoned from midnight in a uniform and continuous flow.

(3) If the Board—

(a) fail to construct or maintain in good order the Mosedale Bridge gauge or refuse to allow any person interested to inspect and examine it or any records made thereby or kept by them in connection therewith or to take copies of such records; or

(b) take any water from the river Caldew or the Blackhazel Beck contrary to the provisions of subsection (1) of this section or fail to comply with the requirements of subsection (2) of this section with respect to the discharge of water into the river Caldew;

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (a) of this subsection to a fine not exceeding fifty

pounds in respect of each day on which the offence has been committed or has continued and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each such day; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(4) For the purposes of this section the River Eden Catchment Board and the millowners' committee shall be deemed to be interested in the flow of water in and the discharge of water into the river Caldew and shall be deemed to be aggrieved by the commission of an offence under this section in relation to the river Caldew.

(5) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the Caldewhead reservoir.

50.—(1) The millowners' committee may from time to time require the Board—

As to
variation
of flow of
compensation
water.

- (a) to hold back for one or two specified days in any specified week out of the quantity of water required to be discharged in accordance with subsection (2) of section 49 (Restriction on taking water and discharge of compensation water) of this Act an amount of water not exceeding 500,000 gallons during each day of twenty-four hours so specified and to discharge at a uniform and continuous rate in the six or five days as the case may be next following an amount equivalent to the quantity so held back in addition to the quantity required to be discharged on such days in accordance with subsection (2) of the said section 49 (Restriction on taking water and discharge of compensation water); or
- (b) to hold back for a specified period of twelve hours in any specified day of twenty-four hours out of the quantity of water required to be discharged in accordance with subsection (2) of the said section 49 (Restriction on taking water and discharge of compensation water) an amount of water not exceeding 250,000 gallons during the period of twelve hours so specified and to discharge at a uniform and continuous rate in the twelve hours next following an amount equivalent to the quantity so held back in addition to the quantity required to be discharged on such day in accordance with subsection (2) of the said section 49 (Restriction on taking water and discharge of compensation water).

PART IV.
—cont.

(2) The millowners' committee shall give not less than seven days' notice in writing to the Board of a requirement under paragraph (a) of subsection (1) of this section and not less than forty-eight hours' notice in writing to the Board of a requirement under paragraph (b) of that subsection and for the purposes of this section "specified" means specified in any such notice.

(3) The Board shall comply with all reasonable requirements of the millowners' committee duly given under this section.

(4) Any question whether any requirement of the millowners' committee under this section is reasonable shall be determined by arbitration.

(5) Nothing in this section shall entitle the millowners' committee to require the Board so to reduce the quantity to be discharged from the Caldewhead reservoir that the flow of water in the river Caldew as measured at the Mosedale Bridge gauge shall be at any time less than 3,500,000 gallons during every day of twenty-four hours in a uniform and continuous flow.

(6) The Board shall on or before the thirty-first day of March in the year one thousand nine hundred and forty-nine and in each subsequent year pay to the millowners' committee a sum not exceeding forty pounds towards the reasonable expenses incurred by the millowners' committee in the financial year commencing on the preceding first day of April.

51.—(1) For the purposes of this part of this Act a committee shall be constituted and appointed as provided by this section.

(2) The millowners' committee shall consist of five persons appointed by the millowners or their duly authorised representatives of whom at least one shall be an occupier of a mill factory or works drawing water from the river Caldew at a point upstream from the weir at Buckabank near Dalston.

(3) The provisions set out in the First Schedule to this Act shall have effect with respect to the members and proceedings of the millowners' committee.

52.—(1) The Board during and for the purpose of the execution of any works forming part of the undertaking may temporarily stop up and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any land house or building in the street from passing along and using the same:

As to
millowners'
committee.

Temporary
stoppage of
streets &c.

Provided that the powers of this section shall not be exercised with reference to any trunk road without the consent of the Minister of Transport.

(2) The Board shall provide reasonable access for foot passengers bona fide going to or returning from any such land house or building.

(3) The Board shall not stop up any street vested in the county council or in any local authority or divert the traffic therefrom without the consent of the county council or such local authority which consent shall not be unreasonably withheld. Any question whether any such consent is unreasonably withheld shall be determined by arbitration.

53.—(1) If in the opinion of the Board it shall be expedient in order to preserve the purity of the waters which they are by this Act authorised to take to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Board shall have power to prohibit such dipping or washing of sheep: Sheep dipping and washing.

Provided that before the Board carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall give to the owners of such dipping or washing place notice in writing of their intention so to do and shall also give notice of such intention by advertisement in a newspaper circulating in the district in which such dipping or washing place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Board under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and the grounds thereof to the Board.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which shall be recoverable summarily as a civil debt.

(4) A notice given under this section shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

PART IV.
—cont.Accom-
modation
for
workmen
employed
on
construc-
tion of
works.

54. The Board shall to the satisfaction of the county council provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works authorised by this Act such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

PART V.

SUPPLY OF WATER.

Supply of
water to
constituent
authorities.

55.—(1) From and after the date upon which the Caldewhead reservoir is completed and filled with water the Board shall supply to each of the constituent authorities and each of those authorities shall take from the Board or pay for as if taken a minimum quantity of water mentioned in the second column of the Second Schedule to this Act and shall subject to the provisions of subsection (4) of this section and of section 56 (Supply of additional water to constituent authorities) of this Act also supply to each of the constituent authorities such further supply of water up to but not exceeding the quantity mentioned in the third column of the said Second Schedule as such constituent authority may from time to time require making a maximum quantity as mentioned in the fourth column of the said Second Schedule which the Board may be required to supply to each constituent authority.

(2) Any constituent authority may by six months' notice in writing to the Board expiring at the end of five years from the appointed day or at the end of any subsequent period of five years require the respective maximum quantities of water to be supplied by the Board to the constituent authorities or any of them to be reconsidered and as from the expiration of such notice the said maximum quantities shall be such as may be agreed by the Board or in default of agreement determined by the Minister.

(3) The water to be supplied by the Board to each of the constituent authorities shall be water of pure and wholesome quality and suitable for all domestic purposes.

(4) Notwithstanding anything in this section it shall be lawful for any constituent authority to require the Board to deliver to them on any day a quantity of water exceeding the maximum daily quantity of water to which that authority is for the time being entitled under this section by such percentage (not being greater than twenty-five per centum) of such maximum daily quantity as the Board shall from time to time determine.

Provided that the average daily quantities of water to be delivered to that authority in any year shall not exceed such maximum daily quantity.

PART V.
—cont.

(5) The provisions of this section shall be subject to the provisions of section 57 (Rateable abatement on shortage of supply) of this Act.

56. Subject to the provisions of section 55 (Supply of water to constituent authorities) of this Act and to any obligation of the Board under any enactment or contract the Board may supply to any constituent authority a quantity of water in excess of the maximum quantity mentioned in the fourth column of the Second Schedule to this Act. Supply of additional water to constituent authorities.

57. If at any time the quantity of water available for enabling the Board to fulfil all their then existing obligations for the supply of water to the constituent authorities under this Act shall be insufficient for such purposes the Board shall make a proportionate reduction in the respective total quantities of water supplied by the Board to each of the constituent authorities for the time being entitled to a supply of water from the Board. Rateable abatement on shortage of supply.

58. The price to be paid by the constituent authorities to the Board for water taken or required to be paid for as if taken under this Act shall be tenpence a thousand gallons: Price of water.

Provided that such price shall be subject to revision from time to time by the Minister on the application of the Board or any constituent authority if and whenever it shall appear that the revenues of the Board are more than sufficient for the purposes set out in section 77 (Application of moneys received by Board) of this Act and that the retention of the price charged prior to the date of such revision would result in a surplus:

Provided also that any such revised price shall be fixed as nearly as possible at the amount sufficient to avoid a deficiency in the net revenue of the Board.

59.—(1) Within one month after the expiration of each quarter of a year ending on the last day of June September December and March in any financial year after the Board shall have commenced to supply water to the constituent authorities the Board shall deliver to each constituent authority an account showing the amount payable by that authority to the Board in accordance with this Act for or in respect of the supply of water in that quarter and the several quantities of water supplied by the Board to the constituent authorities respectively in that quarter. As to payment for water supplied by Board.

PART V.
—cont.

(2) Each constituent authority shall within two months after the delivery to them of any such account pay to the Board the sum thereby shown to be payable and if payment be not so made by any constituent authority that authority shall pay to the Board (in addition to the sum shown by such account to be payable) interest on that sum at the rate of five per centum per annum from the expiration of the said period of two months until payment.

(3) If any such sum and interest shall remain unpaid for a period of four months after the delivery of the account to the constituent authority concerned the Board may discontinue the supply of water to that authority but may recover such sum and interest by any of the modes referred to in subsection (6) of section 76 (Apportionment of deficiency in revenue of Board) of this Act as if such sum and interest were payable under a precept issued by the Board under subsection (4) of that section.

Board to provide necessary works for giving supplies.

60. The Board shall as soon as practicable provide and construct such works and take such steps as shall be necessary for the purpose of enabling them to supply water to the constituent authorities at the points of delivery specified in the Third Schedule to this Act or to such other points of delivery as the Board and any constituent authority may from time to time agree.

Constituent authorities not to increase their sources of supply.

61. No constituent authority shall at any time without the consent of the Board which shall not be unreasonably withheld or if such consent be withheld without the consent after inquiry of the Minister obtain or seek to obtain any new source for the supply of water or develop any existing source so as to obtain a larger supply of water than the supply properly available therefrom at the appointed day by means of the then existing or authorised works of the constituent authority.

Restriction on supply in bulk by constituent authorities.

62. No constituent authority shall at any time without the consent of the Board or if such consent be withheld without the consent after inquiry of the Minister commence to supply to any local authority company or person beyond or for use beyond the district of the constituent authority any water supplied to that authority by the Board.

As to supplies from trunk mains.

63.—(1) Notwithstanding anything in any enactment relating to the Board no person shall be entitled to demand a supply of water from a trunk main belonging to the Board.

(2) In this section the expression "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir or for the purpose of giving or taking a supply of water in bulk.

PART VI.

PROTECTIVE PROVISIONS.

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

65.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development. Saving for Town and Country Planning.

(2) In this section the expression "Town and Country Planning Acts" means—

- (a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and 22 & 23
Geo. 5 c. 48.
6 & 7 Geo. 6
c. 29.
- (b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts. 9 & 10
Geo. 6 c. 68.

66. For the protection of the several local authorities companies and bodies carrying on water gas or electricity undertakings under statutory powers within the districts of the constituent authorities (hereinafter referred to as "the undertakers") the following provisions unless otherwise agreed in writing between the undertakers and the Board shall have effect with respect to the exercise of any of the powers of this Act including the provisions of the Water Act 1945 as applied to this Act (that is to say):— General provisions for protection of water gas and electricity undertakers.

(1) In this section—

"apparatus" means mains pipes electric lines posts poles or other works belonging to the undertakers;

"the applied enactments" means the provisions of the Water Act 1945 as applied to this Act; and

"authorised work" means any work carried out in the exercise of the powers of this Act including the applied enactments:

PART VI.
—cont.

- (2) Before commencing to execute any authorised work within a distance of fifteen feet from any apparatus the Board shall (except in case of emergency in which case the Board shall give to the undertakers the longest notice they reasonably can give having regard to the urgency of the works to be executed) give twenty-one days' notice in writing to the undertakers of their intention to execute such authorised work and shall at the same time deliver to the undertakers a plan and section of such authorised work. The Board shall also give to the undertakers all such further information in relation to such authorised work as the undertakers may reasonably require:
- (3) If it should appear to the undertakers that the execution of such authorised work as proposed would interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of water gas or electricity by means thereof the undertakers may within twenty-one days after the receipt by the undertakers of the notice referred to in paragraph (2) of this section give notice to the Board to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration and all such alterations shall (save as in this section provided) be carried out by and at the expense of the Board with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Board are hereby required to give except in cases of emergency) he refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work:
- (4) The Board in executing any authorised work shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of water gas or electricity into or through any apparatus or interfere with the access thereto without the consent of the undertakers or in any other manner than the undertakers shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of water gas or electricity

as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Board have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers:

- (5) Whenever by reason of the exercise by the Board of the powers of this Act including the applied enactments any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Board) shall be rendered derelict useless or unnecessary the Board shall forthwith pay to the undertakers such a sum as may be agreed between the Board and the undertakers or as failing such agreement shall be determined by arbitration to be the then value of such apparatus and such apparatus shall thereupon become the property of the Board and in addition to such payment the Board shall pay to the undertakers the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the undertakers and of and incidental to any other works or things rendered necessary or expedient in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Board of the powers of this Act including the applied enactments:
- (6) Wherever by reason of the exercise by the Board of the powers of this Act including the applied enactments any replacement of old apparatus by new apparatus or any addition to existing apparatus shall be rendered reasonably necessary the Board at their own expense shall provide all such apparatus of a quality equal to that replaced or added to and lay and connect the same in such position as may be reasonably required by the undertakers to the reasonable satisfaction of the engineer of the undertakers and in such manner as not to cause without the consent in writing of the undertakers any interruption in the continuous supply of water gas or electricity to the inhabitants of their area of supply:
- (7) The Board in executing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference

PART VI.
—cont.

with such apparatus or the access thereto or with the private service or supply pipes or lines of any person supplied by the undertakers with water gas or electricity:

- (8) If the undertakers shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section or shall desire to provide such new or additional apparatus and shall within fourteen days after the receipt of the notice referred to in paragraph (2) of this section give not less than seven days' notice in writing thereof to the Board the undertakers may themselves carry out the works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Board and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Board:
- (9) When the Board under the powers of this Act including the applied enactments temporarily stop up or interfere with alter or divert any street or part of a street in which any apparatus is situate they shall provide reasonable access for the officers and servants of the undertakers for the purpose of enabling them to inspect repair and renew any of the apparatus:
- (10) If any difference shall arise with respect to any matter under this section between the Board and the undertakers or their respective engineers the matter in difference shall be determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers In settling any question under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and to any duties or obligations which the Board may be under in respect of their works and may if he thinks fit require the Board to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the undertakers' apparatus is used.

67.—(1) The line or lines of pipes (Work No. 2) by this Act authorised shall be laid underground and any other line or lines of pipes or mains to be constructed or laid within

For
preservation of
scenery.

the area of the English Lakes Joint Planning Committee (as the said area existed on the first day of April nineteen hundred and forty-seven) shall so far as may be reasonably practicable be laid underground and upon completion thereof the Board shall as nearly as may be practicable restore the surface of the ground to its former state.

(2) In the construction maintenance and working of Work No. 1 Work No. 2 and Work No. 3 by this Act authorised the Board shall have all reasonable and proper regard to the preservation for the public of the beauty of the scenery in the parishes of Caldbeck in the rural district of Wigton Mungrisdale in the rural district of Penrith and Under-Skiddaw in the rural district of Cockermouth.

(3) Without prejudice to the generality of subsection (2) of this section the Board—

(a) on completing the construction and laying of the said works Nos. 1 2 and 3 and on completing the filling in of any excavation necessary in connection with the maintenance of any of the said works shall so spread upon the surface of the ground all surplus material and spoil arising from or in the course of such construction and laying or excavation and effectively sow the same with grass seed as to render it inconspicuous; and

(b) on completing the laying of any mains within the area of the English Lakes Joint Planning Committee (as the said area existed on the first day of April one thousand nine hundred and forty-seven) and on completing the filling in of any excavation necessary in connection with the maintenance of any such mains shall as nearly as may be practicable restore the surface of the ground to its former state and shall so spread upon the surface of the ground all surplus material and spoil arising from or in the course of such laying or excavation and effectively sow the same with grass seed as to render it inconspicuous.

(4) The Board shall consult with the Royal Fine Art Commission as to the elevation and appearance of the dam and treatment works forming Works Nos. 1 and 3 by this Act authorised and the design elevation appearance and siting of any other structures and buildings comprised in or erected in connection with the said works and as to the elevation material and appearance of any fences walls or other enclosures which the Board may from time to time erect and shall adopt the recommendations of that commission so far

PART VI.
—cont.

as they would not in the opinion of the Board be detrimental to the water undertaking of the Board or involve unreasonable expense.

(5) The Board shall cause all temporary buildings and structures required for the purpose of or in connection with the construction or laying of the said works and the laying of any mains within the area of the English Lakes Joint Planning Committee (as the said area existed on the first day of April one thousand nine hundred and forty-seven) including any buildings provided under section 54 (Accommodation for workmen employed on construction of works) of this Act to be demolished and the resulting materials and all surplus or waste or discarded materials plant and apparatus arising from such construction or laying to be removed and the surface of the ground to be restored as nearly as may be to its former state within a period of six months after the completion of such construction or laying.

Access to
commons.

68. The^vpublic shall be entitled to a privilege at all times of enjoying air exercise and recreation on such parts of any common or unenclosed land acquired or occupied by the Board under the powers of this Act and not used for the purposes of such of the works authorised by this Act as may be constructed on or above the surface of the ground and not submerged by the formation of the Caldewhead reservoir whether any common or commonable rights in or over such land shall have been acquired or extinguished under the provisions of this Act or not:

Provided that the Board may with the consent of the Minister erect such fences walls or other enclosures upon any of the lands acquired by the Board under the powers of this Act as shall in the opinion of the Minister be necessary for the protection against pollution of any water belonging to the Board or for the protection of the works by this Act authorised.

PART VII.

FINANCIAL PROVISIONS.

Power to
borrow.

69. The Board 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 they shall pay off all moneys so borrowed within such periods as the Board may

determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The purchase of land and easements for the purposes of this Act.	£24,000	Seventy years.
(b) The construction of Work No. 1 authorised by this Act.	£430,000	Seventy years.
(c) The construction of Work No. 2 authorised by this Act.	£25,000	Sixty years.
(d) The construction of Work No. 3 authorised by this Act.	£131,000	Forty-five years.
(e) The construction of water mains and other works in connection therewith.	£985,000	Forty-five years.
(f) The payment of interest on any moneys borrowed by the Board for the purposes of (a) to (e) above	The sum requisite.	Forty years.
(g) Working capital.	£20,000	Ten years.
(h) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

Provided that nothing in this section shall authorise the borrowing of money for the payment of interest on any moneys so borrowed in respect of the financial year next following after the date when the Board commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) (b) (c) (d) and (e) of the foregoing table.

70. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than for the purpose (h) of section 69 (Power to borrow) of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.
8 & 9 Geo. 6 c. 18.
9 & 10 Geo. 6 c. 58.

71.—(1) The provisions of Part IX of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Applica-
tion of
Part IX of
Act of
1933.

(a) the Board were a local authority within the meaning of the Act of 1933;

PART VII.
—cont.

(b) the money so borrowed were borrowed under the said Part IX; and

(c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section:

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) (b) (c) (d) and (e) mentioned in section 69 (Power to borrow) of this Act until the thirty-first day of March next after the completion of the last of the works in respect of which the moneys are borrowed or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The periods mentioned in the third column of the table contained in the said section 69 (Power to borrow) of this Act shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

Payment
by Board
to county
council.

72.—(1) The county council may exercise the powers and functions of the Board until the first meeting of the Board and the county council may make such payments as may be necessary on behalf of the Board until the appointed day or within two months thereafter.

(2) The Board shall in consideration of the work done and expenditure incurred in accordance with subsection (1) of this section pay to the county council on or as soon as reasonably practicable after a date not later than two months after the appointed day all sums reasonably expended by the county council together with interest at the rate of two and one-half per centum per annum on those sums from the respective dates on which they were so expended until the date of payment.

(3) If any difference shall arise between the Board and the county council as to the amount to be paid by the board under this section such difference shall be settled by arbitration.

(4) All money received by the county council under this section shall be credited to the county fund of the county.

As to
securities
of Board.

73. For the purposes of the definition of "statutory securities" in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

74.—(1) Without prejudice to the operation of section 73 (As to securities of Board) of this Act any constituent authority may with the consent of the Minister lend to the Board any sum or sums which the Board are empowered to borrow on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

PART VII.
—cont.
Power for
constituent
authorities
to lend
money to
Board.

(2) The county council may with the consent of the Minister from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which the county council may lend to the Board under the provisions of this section.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

75. The county council shall have the same powers to contribute towards the expenses incurred by the council of a county district by way of contribution to the expenses of the Board as they have under section 307 of the Public Health Act 1936 to contribute towards the expenses incurred by the council of a county district by way of contribution to the expenses of a joint board constituted under that Act.

Contribu-
tions by
county
council to
local
authorities.

76.—(1) The Board shall before the commencement of any financial year make or cause to be made estimates of the probable revenue and expenditure (other than capital expenditure) which shall be received or incurred by them during that year.

Apportion-
ment of
deficiency
in revenue
of Board.

(2) If such estimates show that there will be a deficiency in the net revenue of the Board in that year the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency (whether for satisfying past or future liabilities) between all the constituent authorities other than the county council.

(3) The apportionment shall previous to the completion and filling with water of the Caldewhead reservoir be in proportion to the respective maximum daily quantities of water mentioned in the fourth column of the Second Schedule to this Act as amended from time to time in accordance with the provisions of this Act and thereafter in proportion to the respective maximum daily quantities of water which the Board may at the date of such estimate be required to supply to the constituent authorities.

PART VII.
—cont.

(4) The Board shall before the commencement of each financial half-year issue to each of the constituent authorities other than the county council a precept for a sum equal to one-half of the amount apportioned to that authority in pursuance of this section and each of such constituent authorities shall within two months after the commencement of the half-year (or by instalments of such amounts and payable within such times as may be specified in the precept issued to them) pay to the Board the sum stated in the precept:

Provided that the deficiency and the apportionment thereof shall as soon as practicable after the end of each financial year be revised in accordance with the actual deficiency for that year and in accordance with the actual maximum daily quantities of water determined in accordance with the provisions of subsection (3) of this section for that year and any necessary financial adjustments arising from such revision shall be made accordingly.

(5) Such sums shall be paid by the constituent authorities (other than the county council) out of the revenues of their respective water undertakings or out of the general rate fund and general rate of their respective districts.

(6) If any constituent authority (other than the county council) fail to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

- (a) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;
- (b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount in arrears and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of requiring officers of the

defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

PART VII.
—cont.

(7) Any receiver appointed under the Act of 1933 upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board between the constituent authorities (other than the county council) and in case the Board at any time neglect or refuse to make such appointment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

(8) Any contribution or contributions under the Rural Water Supplies and Sewerage Act 1944 and any grant or grants under the Distribution of Industry Act 1945 made to the Board in respect of expenditure of any one or more of the constituent authorities shall be applied by the Board for the exclusive benefit of that or those constituent authorities.

7 & 8 Geo. 6.
c. 26.
8 & 9 Geo. 6.
c. 36.

77.—(1) (a) All moneys received by the Board in respect of the undertaking except (A) borrowed money (B) money arising from the disposal of lands acquired for the purposes of this Act (C) other capital money received by them in respect of the undertaking and (D) any contribution or contributions in pursuance of the Rural Water Supplies and Sewerage Act 1944 and any grant or grants under the Distribution of Industry Act 1945 made to the Board towards the expenses incurred or to be incurred by the Board on capital account shall be applied by them in manner and in the order following (that is to say):—

Application
of moneys
received by
Board.

First in payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers clerks or servants in relation to the undertaking;

Secondly in payment of the interest on moneys borrowed by the Board under any statutory borrowing power or used for those purposes in pursuance of section 8 of the Local Authorities Loans Act 1945 and section 81 (Consolidated loans fund) of this Act;

PART VII.
—cont.

Thirdly in providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under any statutory borrowing power;

Fourthly in payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

Fifthly in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

Sixthly in providing working capital (if the Board think fit); and

Seventhly in providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and (unless the same be paid into the consolidated loans fund or used in pursuance of section 8 of the Local Authorities Loans Act 1945) investing in statutory securities the sums so set aside and the sums which pursuant to section 78 (Interest on reserve funds) of this Act are to form part of that fund until the fund so formed amounts to a sum (in this Act referred to as "the prescribed maximum") equal to one-tenth of the aggregate capital expended for the time being by the Board upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for the payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at any time have reached or may have been reduced below the prescribed maximum:

Provided also that no sum in excess of one quarter of one per centum of the aggregate capital expended for the time being by the Board shall be so set aside in or in respect of any financial year during which any sum has been apportioned to and become payable by the constituent authorities (other than the county council) to the Board to meet a deficiency in the net revenue of the Board.

(b) Any balance remaining over in any year including any balance brought forward shall be carried forward to the following year.

(2) All capital moneys at any time received by the Board in respect of the undertaking except money arising from the disposal of lands acquired for the purposes of this Act shall be applied by them in the reduction of the capital moneys borrowed by them and such application shall be in addition to and not in substitution for any other mode of extinguishment except to such extent and upon such terms as may be approved by the Minister:

Provided that if and so long as there shall be no sum outstanding in respect of capital moneys borrowed by the Board as aforesaid capital moneys received by the Board in respect of the undertaking shall be paid to a capital reserve fund provided by the Board until that fund amounts to the sum of fifty thousand pounds and thereafter shall be applied in such other manner as may be approved by the Minister.

78. Where sums are appropriated to a reserve fund the interest received in any year from the investment of the sums so appropriated shall form part of the revenue out of which the sums were appropriated: Interest on reserve funds.

Provided that a sum equivalent to the amount so carried to the revenue as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

79. As soon as practicable after the completion of every financial year the clerk shall forward to the clerk of each constituent authority an abstract of the accounts of the Board for that year. Accounts to be furnished to constituent authorities.

80. The accounts of the Board and of their committees and officers shall be subject to audit by a district auditor of the Minister. Audit of accounts.

81.—(1) The Board may establish a fund to be called "the consolidated loans fund" to which shall be paid— Consolidated loans fund.

(a) all moneys borrowed by the Board by issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose; and

PART VII.
—cont.

- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Board—

- (a) in the redemption of authorised securities the purchase of bonds or stocks for extinction or the repayment of any moneys borrowed by the Board; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Board;
- (c) in the exercise of any statutory borrowing power of the Board:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Board may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Board within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the average rate of interest payable by the Board on their current borrowings.

(5) All moneys borrowed by the Board in the exercise of statutory borrowing powers whether before or after the passing of this Act shall be charged indifferently on all revenues of the Board and subject to any priority existing at the passing of this Act all securities created by the Board in the exercise of any statutory borrowing power shall rank equally without any priority.

(6) Save as in this section expressly provided all the obligations of the Board to the holders of stock or other securities of the Board shall continue in force.

(7) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved by the Minister under this section may be altered extended amended or annulled by a scheme made in like manner as the original scheme.

82.—(1) In addition to any other form of borrowing the Board may exercise any statutory borrowing power by the issue of bonds to be called "North Cumberland Water Board bonds" (in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to issue bonds.

(2) Where the Board raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

PART VII.

—cont.

62 & 63 Vict.

c. 9.

7 Edw. 7.

c. 13.

54 & 55 Vict.

c. 39.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

83. The Board may pay out of their revenues as expenses incurred by them under this Act—

- (a) reasonable subscriptions (whether annually or otherwise to the funds of any association of water boards or water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and
- (b) reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water.

84.—(1) The Board may—

- (a) on the death of an employee while in their service grant to his widow or children or to any dependant of such person such gratuity as the Board may determine not exceeding a sum equal to twice one year's salary or wages of such employee at the time of his death;
- (b) on the death of a former employee who is in receipt of a pension from the Board but has not received by way of pension an aggregate sum amounting to twice one year's salary or wages of such employee at the time of his retirement exclusive of the aggregate amount contributed by him to the superannuation fund grant to his widow or children or to any dependant of such person such gratuity as the Board may determine not exceeding the amount which he has not received as aforesaid:

Subscriptions to associations and payment of certain expenses.

Payment of gratuities in certain cases.

Provided that a resolution to make a grant under this section shall not be passed more than six months after the death of the employee or former employee:

Provided also that this section shall not apply—

- (a) in the case of a widow to whom a pension is granted in pursuance of section 9 (Allocation of part of superannuation benefits to wife or husband) of the Local Government Superannuation Act 1937; or
- (b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Act 1925 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

1 Edw. 8. &
1 Geo. 6.
c. 68.

9 & 10
Geo. 6. c. 62.

(2) If the salary or wages of any such person is reduced on account of his absence from employment through sickness or ill-health at any time during the period of one year before his retirement or six months before his death his salary or wages at the time of his retirement or (as the case may be) at the time of his death shall for the purposes of this section be deemed to be his salary or wages immediately before such reduction or (if there be more than one) immediately before the first such reduction.

85.—(1) Subject to the provisions of this section where a person entitled to receive from the Board any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 as amended by any enactment or is an inmate of a mental hospital as a temporary patient or voluntary patient the Board may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of such person and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of such person.

Payment
of pension
&c. of
person of
unsound
mind.

(2) Subject to the provisions of this section where a person entitled to receive from the Board any sum to which this section applies is in the opinion of the Board through mental infirmity incapable of managing his affairs the Board may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relatives.

(3) This section applies to any sum payable by the Board to an employee or former employee or pensioner of the Board or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or

PART VII.
—cont.

other allowance or annuity or gratuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising for the first time in relation to any person their power under this section the Board shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Board intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Board shall at the same time give notice in writing to that person in a form approved by the Master in Lunacy:

Provided that the Board may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Board notice in writing that he objects to the exercise by the Board of the said power in relation to any person the said power shall as from the date of the receipt by the Board of the notice cease to be exerciseable by the Board in relation to that person unless and until the master withdraws the notice.

As to
payments
due to
deceased
employees.

86.—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) of the Board to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the Board may think reasonable then at the expiration of that time the Board may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926:

15 & 16
Geo. 5. c. 23.
16 & 17
Geo. 5. c. 60.

Provided that—

(a) the Board may (notwithstanding the receipt of a notice under paragraph (b) of this subsection) if they think fit pay to any person who has paid the funeral expenses of the deceased employee such

amount (not exceeding the total amount of such expenses) as the Board shall deem it reasonable to allow having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;

- (b) if the Board receive notice in writing of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient sum thereof to satisfy the claim (whichever amount shall be the less) until the claim has been satisfied disproved or withdrawn.

(2) The Board before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

- (a) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses exceed four hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Board propose to pay or distribute such moneys; or
- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect that no death duties are payable in respect of such moneys or that any duties so payable have been paid.

87.—(1) The Board may give notice to any person being registered as a holder of any security of the Board that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Board of such objection the Board may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register:

Interest
orders and
dividend
warrants
by post.

Provided that if such person give notice to the Board that he desires such orders or warrants to be sent to another person at a given address the Board may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any security of the Board any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Board by any other of them.

PART VII.
—cont.

(3) The posting by the Board of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Board be equivalent to the delivery of the order or warrant to the registered holder of the security of the Board.

45 & 46 Vict.
c. 61.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Board shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

(5) The provisions of this section shall not apply with respect to the sending of interest warrants on any stock created by the Board in pursuance of any regulations made by the Minister under section 204 of the Act of 1933.

PART VIII.

MISCELLANEOUS.

Recovery
of deposit
under
Lands
Clauses
Consolida-
tion Act
1845.

88. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Board in the bank in pursuance of section 76 of that Act or deposited by the Board in the bank by way of security in pursuance of section 85 of that Act to order upon application by the Board that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Board:

Provided that upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect whereof the same shall have been deposited or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Board under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as to the court shall seem fit.

Evidence of
appoint-
ments
authority
&c.

89. Any certificate of appointment or authority of any officer servant solicitor or agent of the Board or of any committee thereof or any minute resolution order or report of the Board or any committee thereof purporting to be authenticated by the signature of the chairman or of the clerk of the Board shall be received as prima facie evidence thereof without further proof.

Breach of
conditions
of consent.

90. Where under any enactment the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are

authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

PART VIII.
—cont.

91. 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 bye-law made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery
of
penalties
&c.

92. Where under this Act any question dispute or matter is to be referred to or settled by arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the question dispute or matter shall be referred to an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

Arbitra-
tion.

93. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act as if such powers were conferred by and such consents were required to be given under the Act of 1933 and section 290 of that Act shall apply accordingly.

Inquiries by
Minister.

94. 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 as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the county council but shall be repaid to them by the Board out of the moneys to be borrowed by them under the powers of this Act.

Costs of
Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PROCEEDINGS OF THE MILLOWNERS' COMMITTEE.

I. (a) The millowners' committee shall be appointed at a meeting of the millowners to be held at some convenient place in the month of April in every year. A meeting convened under this paragraph shall be called "an annual meeting."

(b) The first annual meeting of the millowners shall be convened not later than the thirtieth day of April one thousand nine hundred and forty-eight by the clerk of the county council and every subsequent annual meeting shall be convened by the secretary.

(c) Every annual meeting of the millowners shall be convened by not less than fourteen days' previous notice in writing sent or delivered to each millowner and specifying the date time and place of the meeting and the business to be transacted thereat.

(d) At their first meeting and subsequently at their annual meetings every succeeding year the millowners shall appoint one of their members as chairman for the ensuing year:

Provided that if there be an equality of votes as to the appointment of a chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman.

(e) The secretary may at any time and shall if so requested in writing by not less than three millowners being occupiers of separate mills factories or works convene a meeting of the millowners (other than an annual meeting) at some convenient place.

A meeting convened under this paragraph shall be called "an extraordinary meeting."

(f) Every extraordinary meeting shall except in case of emergency be convened by not less than seven days' previous notice in writing sent or delivered to each millowner and specifying the date time and place of the meeting and the business to be transacted thereat.

(g) The millowners present at an extraordinary meeting may discharge any member or members of the millowners' committee and appoint another member or members in his or their place or places.

(h) The quorum necessary to constitute the first annual meeting of the millowners shall be four millowners or their duly authorised representatives and the quorum necessary to constitute any other meeting of the millowners (whether annual or extraordinary) shall be fixed by a resolution passed at the first annual meeting but the quorum may be varied from time to time by a resolution passed at any subsequent meeting (whether annual or extraordinary).

(i) At every meeting of the millowners (whether annual or extraordinary) any millowner may be represented by any person duly appointed in writing by such millowner to attend the meeting.

(j) At every meeting of the millowners (whether annual or extraordinary) one vote may be given in respect of each mill factory or works represented at the meeting. Where several joint occupiers of a mill factory or works are present only one of them shall vote on behalf of all of them and if they do not agree as to their vote it shall not be received.

2. (a) The members of the millowners' committee appointed at any annual meeting shall subject as hereinafter provided hold office until the close of the annual meeting in the next following year and shall then go out of office but shall be eligible for re-election.

(b) A member of the millowners' committee may resign his membership by giving not less than one month's notice in writing to the secretary of such his intention and his resignation shall take effect on the expiry of the notice or its earlier acceptance by the millowners' committee.

(c) A member of the millowners' committee shall be deemed to have vacated office if he shall cease to be a millowner or the authorised representative of a millowner.

(d) If any member of the millowners' committee shall during his year of office die or resign or vacate office the other members of the millowners' committee may co-opt another millowner as a member of the millowners' committee in place of the first-mentioned member. The person so co-opted shall hold office until the close of the next succeeding annual meeting and shall then go out of office but shall be eligible for re-election.

(e) The millowners' committee shall have power to appoint such sub-committees and such secretary and other officers and servants as they may think fit and to regulate their proceedings and the proceedings of any sub-committee including the fixing of the quorum necessary to constitute a meeting of the committee or any sub-committee.

(f) At their first meeting in each year the millowners' committee shall appoint one of their members as chairman of the committee for the ensuing year:

Provided that if there be an equality of votes as to the appointment of a chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman.

3. (a) Every question at any meeting of the millowners (whether annual or extraordinary) or at any meeting of the millowners' committee shall be determined by the majority of the votes given at the meeting and if there be an equality of votes on any question the chairman of the meeting shall have a casting vote in addition to his vote as a millowner or as a member of the millowners' committee.

(b) The chairman of the millowners or of the millowners' committee may if otherwise qualified be re-appointed and shall continue

1ST SCH.
—cont.

in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the millowners' committee respectively before the appointment of his successor.

(c) On a casual vacancy occurring in the office of chairman of the millowners or of the millowners' committee by reason of death resignation disqualification absence or any other cause another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

4. (a) The secretary shall keep a register of the names and addresses of the millowners and notices of any meeting of the millowners (whether annual or extraordinary) other than the first annual meeting shall be sent or delivered to the respective addresses of the millowners as for the time being appearing in the register.

(b) Whenever the address of any millowner shall be changed that millowner shall notify the secretary of the change of address.

SECOND SCHEDULE.

QUANTITIES OF WATER TO BE SUPPLIED BY THE BOARD.

	1	2	3	4
Constituent authority.	Minimum daily quantity.	Further daily supply.	Maximum daily quantity.	
Cockermouth Urban District Council	100,000	40,000	140,000	
Maryport Urban District Council ...	1,000,000	1,500,000	2,500,000	
Penrith Urban District Council ...	100,000	200,000	300,000	
Border Rural District Council ...	500,000	1,000,000	1,500,000	
Cockermouth Rural District Council	100,000	60,000	160,000	
Penrith Rural District Council ...	300,000	600,000	900,000	
	2,100,000	3,400,000	5,500,000	

If the Maryport Urban District Council shall before the first day of January 1948 or such later date as the Board may agree elect and of such election shall notify the Board the following figures shall be substituted for the above-mentioned figures:—

Maryport Urban District Council ... | 500,000 | 1,000,000 | 1,500,000

THIRD SCHEDULE.

POINTS OF DELIVERY.

Constituent authority.	Point or points of delivery.
Cockermouth Urban District Council ...	Anfield or Sunscapes.
Maryport Urban District Council ...	Broughton Moor.
Penrith Urban District Council ...	Maidenhill.
Border Rural District Council ...	Garth and Roundhill.
Cockermouth Rural District Council ...	Broughton Moor.
Penrith Rural District Council ...	Hewer Hill and Croglin.

FOURTH SCHEDULE.

PROVISIONS AS TO BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Board may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Board may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Board.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Board on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer of the Board shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

4TH SCH.
—cont.

5.—(1) The Board shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Board on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Board on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....
Date.....

.....PER CENTUM NORTH CUMBERLAND WATER BOARD BOND
REPAYABLE AT PAR ON THE.....I9.....
AT.....

This is to certify that

of
is the registered holder of a bond for
pounds (£) issued by the
under the North Cumberland Water Board Act 1947 at

The seal of the
was hereunto affixed in the presence of }
Clerk of the Board.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Board shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER.

PER CENTUM NORTH CUMBERLAND WATER BOARD BOND.

I
in consideration of the sum of
paid by
(hereinafter called "the transferee") do hereby assign and
transfer to the transferee

To hold unto the transferee, his executors administrators and
assigns subject to the several conditions on which I held the
same immediately before the execution hereof;

And I the transferee do hereby agree to accept and take the
said subject to the conditions aforesaid.

As witness our hands and seals this day of
one thousand nine hundred and

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Board.

(3) The deed of transfer shall be delivered to and retained by the Board and the Board shall enter a note thereof in a book to be called the "register of transfers of bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Board shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Board as aforesaid the Board shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Board before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Board may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Board shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Board they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Board before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

10. The production to the Board of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Board as sufficient evidence of the grant.

Ch. xliii.

*North Cumberland
Water Board Act, 1947.*

10 & 11 GEO. 6.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2 ; 13a Castle Street, Edinburgh, 2 ;
39-41 King Street, Manchester, 2 ; 1 St. Andrew's Crescent, Cardiff ;
Tower Lane, Bristol, 1 ; 80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 2s. *od.* net

70868