



CHAPTER lxxxv.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Torquay with respect to their water and electricity undertakings and the local government of the borough and for other purposes.

A.D. 1927.

[29th July 1927.]

WHEREAS the borough of Torquay (hereinafter referred to as "the borough") is under the local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas the several local Acts and Provisional Orders confirmed by Parliament mentioned in Part I of the First Schedule to this Act (save so far as any of them is amended by any later Act or Order amending the same) are in force within the borough which Acts and Orders are hereinafter referred to collectively as the former Acts and each of them separately as the Act or Order of the year in which the same was passed or made:

And whereas the Corporation are the owners of a water undertaking and under the powers of certain of the former Acts supply water within limits which are described in the Act of 1856 and the Act of 1879 and now comprise the borough the urban district of

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A.D. 1927. Newton Abbot and the parish of Cockington in the rural district of Newton Abbot :

And whereas the demands for the supply of water within the limits aforesaid have increased and are increasing and it is expedient that the Corporation be authorised to obtain an additional source of water supply and to construct additional waterworks as in this Act described and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking :

And whereas the Corporation are the owners of an electricity undertaking and under the powers of certain of the former Acts supply electricity within limits which are described in the Order of 1891 the Act of 1922 and the Order of 1924 and comprise the borough the urban district of Newton Abbot and the parishes of Kingskerswell Abbotskerswell Coffinswell and Cockington in the rural district of Newton Abbot and on the approval by Parliament of the Order mentioned in Part II of the First Schedule to this Act will be empowered to supply electricity in the parishes of Broad Hempstone Ipplepen Ogwell Torbryan and Woodland in the said rural district and the parishes of Berry Pomeroy Little Hempstone Marldon Staverton and Stoke Gabriel in the rural district of Totnes :

And whereas the electricity undertaking includes a generating station in the urban district of Newton Abbot situate on the right bank of the river Teign from which the Corporation obtain water for the purposes of such generating station and it is expedient to empower the Corporation to construct additional works as in this Act described for the abstraction of water from that river and to use the same for the purposes of their electricity undertaking and to return such water or so much thereof as shall not be consumed at the generating station into the river Lemon and to acquire lands and easements for the purposes thereof :

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

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

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And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows (that is to say):—

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For the construction of the waterworks
 by this Act authorised - - - - - 66,000

For the construction of the electricity
 works by this Act authorised - - - - - 15,000

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

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the *Torquay Corporation Act, 1927.* Short title,

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

Act divided into Parts.

Part I.—Preliminary.

Part II.—Water.

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Part III.—Electricity.

Part IV.—Lands.

Part V.—Financial.

Part VI.—Miscellaneous.

Incorporation of Acts.

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

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

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

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

The construction of the waterworks;

The construction of works for the accommodation of lands adjoining the waterworks;

Mines;

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

The provision for guarding against fouling the water of the Undertakers; and

The recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or to the sheriff:

Provided that the provisions with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications only in respect of the aqueduct conduit or lines of pipes Work No. 2 by this Act authorised and in respect of any of the works appliances and conveniences which the Corporation are by this Act authorised to lay down erect and maintain in connection with or subsidiary to the works in this Act described

and that in construing those provisions the expression "the limits of the special Act" shall mean the limits of deviation shown on the deposited plans: A.D. 1927.

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

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

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The borough" means the borough of Torquay;

"The council" means the council of the borough;

"The borough fund" and "the consolidated rate" mean respectively the borough fund and the consolidated rate of the borough;

"The town clerk" and "the treasurer" mean respectively the town clerk of the borough and the treasurer of the borough;

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

"The Act of 1903" "the Act of 1922" and "the Act of 1923" mean respectively the Torquay Corporation Water Act 1903 the Torquay Corporation (Electricity) Act 1922 and the Torquay Corporation Act 1923;

"The water limits" means the limits within which the Corporation are for the time being authorised to supply water;

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“The waterworks” means the waterworks and the works in connection therewith authorised by this Act;

“The Fishery Board” means the Board of Conservators for the River Teign Fishery District;

“The water undertaking” and “the electricity undertaking” mean respectively the water undertaking and the electricity undertaking of the Corporation as from time to time authorised;

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

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

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

(2) For the purpose of this Act the expressions "the promoters of the undertaking" "the company" and "the undertakers" in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Act 1847 shall be construed to mean the Corporation and the expression "the railway" shall be construed to mean the waterworks by this Act authorised and "the centre of the railway" shall be construed to mean the centre line as shown on the deposited plans of the aqueduct conduit or line of pipes by this Act authorised and the top water line of the weir pool so authorised.

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PART II.

WATER.

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

Power to
make water-
works.

Work No. 1 A weir pool with weir and intake to be formed by means of an embankment across the river South Teign in the parish of Chagford in the rural district of Okehampton;

Work No. 2 An aqueduct conduit or line of pipes commencing in Work No. 1 and terminating in the Trenchford reservoir of the Corporation in the parish of Bovey Tracey in the rural district of Newton Abbot.

(2) In addition to the foregoing works the Corporation may upon the lands within the limits of deviation shown on the deposited plans relating to Works No. 1 and No. 2 by this Act authorised make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or either of them but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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Limits of
deviation for
waterworks.

6. In the construction of the waterworks the Corporation may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels of the waterworks as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of the before-mentioned aqueduct conduit or line of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for
completion
of works
under this
Part of this
Act.

7. If the waterworks are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed :

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueduct conduit or line of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Power to
take waters.

8. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the river South Teign and the tributaries thereof and all such springs streams and waters as may be intercepted by the waterworks.

Restrictions
on taking
water from
river South
Teign.

9.—(1) (i) The Corporation shall not take divert or appropriate under the powers of this Act any water from the river South Teign—

(a) during such time as the flow of the water in that river immediately below Work No. 1 by this Act authorised shall be less than at the rate of one million two hundred and fifty thousand gallons per day of twenty-four hours; or

(b) during such time as water is flowing over the sill of the waste water weir of the Trenchford

reservoir of the Corporation as the same existed on the thirty-first day of March one thousand nine hundred and twenty-seven; or

(c) during the period of five weeks commencing on the fifteenth day of October in each year except at such time or times (if any) during that period as the water in the Trenchford reservoir is at a lower level than thirteen feet below the said sill as the same existed on the thirty-first day of March one thousand nine hundred and twenty-seven which level shall be clearly marked by the Corporation on the dam of the reservoir.

(ii) The Corporation shall not in any day of twenty-four hours take divert or appropriate under the powers of this Act more than three million gallons of water from the river South Teign.

(2) For the purpose of measuring the quantity of water taken diverted or appropriated from the river South Teign under the powers of this Act and (except during the prevalence of abnormal flood) the flow of the water in that river immediately below Work No. 1 the Corporation shall before taking diverting or appropriating any such water provide and fix and shall thereafter maintain at or near Work No. 1 proper and suitable automatically recording gauges through or over which respectively the water so taken diverted or appropriated and the water so flowing shall pass.

(3) The design of the said gauges shall be reasonably approved by the Minister of Agriculture and Fisheries before construction and the said gauges and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the Fishery Board and all persons interested in the flow of the river South Teign or their duly accredited representatives and such persons or representatives may if they so desire take copies of any such records.

(4) In case of any neglect on the part of the Corporation to maintain the said gauges or any of them in a state of efficiency or in case of any other neglect by or in consequence of which water shall be appropriated by the Corporation in contravention of the provisions of this section they shall for every day on which such

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(5) If any difference arises between the Corporation and the Minister of Agriculture and Fisheries or the Fishery Board or any person so interested as aforesaid with respect to the construction or use of the gauges or any of them or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer nominated (unless otherwise agreed) on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

For benefit
of fisheries.

10.—(1) The Corporation shall during the construction maintenance repair and renewal of the works by this Act authorised for the abstraction of water from the river South Teign at all times take or cause to be taken such steps as are reasonably practicable to prevent the escape or discharge from the said works or from land in the occupation of the Corporation into the said river of any solid or liquid matter detrimental to fish the spawn of fish and the food of fish and in the event of damage arising from this cause by reason of any failure to take such steps compensation shall be payable by the Corporation to the Fishery Board and to the fishery owners affected the amount of such compensation in case of difference to be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply.

(2) On or before the first day of September one thousand nine hundred and twenty-seven or such other date as may be agreed between the Corporation and the Fishery Board the Corporation shall pay to the Fishery Board the sum of one thousand pounds which shall be applied by them in the improvement of the fisheries in the river Teign and its tributaries.

Powers in
relation to
water
mains.

11. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of

water mains within and without their district and for the purposes thereof the water limits shall be deemed to be the district.

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12.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act or any other Act or Order relating to the water undertaking may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed one hundred and ninety acres.

Additional lands and works for protection of sources of supply.

(2) The Corporation may on any lands held for the purposes of the water undertaking execute for the purpose of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

13. The following provisions of the Act of 1903 shall extend and apply in regard to the works and lands authorised to be executed and taken under the powers of this Part of this Act as if those provisions with the necessary modifications were re-enacted in this Act respectively (namely):—

Application of provisions of Act of 1903.

Section 10 (Temporary discharge of water into streams);

Section 18 (Power to hold lands for protection of works);

Section 23 (Power to agree as to drainage of lands);

Section 24 (Power to lay down sewers and drains in drainage area);

Section 25 (Application of Waterworks Clauses Act 1847 to conduits discharge pipes and to telephones).

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For protec-
tion of Great
Western
Railway
Company.

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

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

tenance of the pipes) and may recover the reasonable costs of so doing from the Corporation (including compensation payable to any workmen or their legal representatives or dependents who may be injured or killed whilst employed by the Great Western Company in and about such works):

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(4) All such works shall be constructed, executed and maintained so as not to cause any injury or damage to the railway or other property of the Great Western Company or any interruption to the passage or conduct of traffic over such railway and if any such injury, damage or interruption shall arise from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain such works or the bursting, leakage or failure of the works of the Corporation under or near to any railway or other property of the Great Western Company all such injury or damage shall forthwith be made good by the Corporation at their own expense and to the reasonable satisfaction of the said engineer and the Corporation shall indemnify the Great Western Company from all claims in respect of any such injury, damage or interruption and shall make compensation to the Great Western Company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail:

(5) In the event of the Corporation failing to make good such injury or damage as aforesaid or failing to maintain all such works (where they pass under, over or in any way affect the railway or other property of the Great Western Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency of which the said engineer shall be the sole judge the Great Western Company may make good the same and make and do in and upon as well the lands of the Corporation as their own lands all such repairs and things as may be reasonably requisite

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and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation:

(6) If it should be necessary during the construction of any works authorised by this Part of this Act or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the Great Western Company the Great Western Company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in and connected with such alterations:

(7) The Corporation shall not under the powers of this Act acquire compulsorily any lands of the Great Western Company but the Corporation may acquire and the Great Western Company on being required so to do by the Corporation shall sell to the Corporation such a right or easement as may be necessary to enable the Corporation to construct and maintain any works by this Part of this Act authorised over or under the railway and other property of the Great Western Company and the Corporation shall pay to the Great Western Company for any right or easement which they may so acquire of the Great Western Company such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement:

(8) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Part of this Act over or under or across the railway or other property of the Great Western Company of such inspectors signalmen or watchmen to be appointed by the Great Western Company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon

with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :

- (9) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Corporation may have been constructed or laid the Great Western Company may after giving to the Corporation fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency of which the said engineer shall be the sole judge after giving such notice as is reasonably practicable divert support or carry the said works of the Corporation across over or under their railway or other property at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water more than may be necessary without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works or any such interruption or interference Provided that any works executed by the Great Western Company under this subsection shall be executed to the reasonable satisfaction of the Corporation :
- (10) Any additional expense which the Great Western Company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works under powers existing or upon lands belonging to them at the passing of this Act by reason of the existence of the works of the Corporation laid or executed under the powers of this Part of this Act upon across over or under the same shall be paid by the Corporation :

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(11) Except as in this section otherwise expressly provided any difference arising between the Corporation and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

For protec-
tion of
Viscount
Hambleton.

15. The following provisions shall unless otherwise agreed in writing have effect for the protection of the Right Honourable William Frederick Danvers Viscount Hambleton who and whose executors administrators and successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the Hambleton estate in the parishes of North Bovey Manaton Moretonhampstead and Lustleigh in the county of Devon are in this section included in the expression "the owner" :—

(1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Corporation shall not purchase or acquire any lands belonging to the owner but the Corporation may purchase or take and the owner shall sell and grant accordingly such easements only in such lands as they may reasonably require for the purposes of the construction maintenance repair and renewal of Work No. 2 and the Corporation may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts :

(2) Within one year after the passing of this Act or of the date upon which the Corporation obtain the last of all consents required by the section of this Act of which the marginal note is " Saving rights of Duchy of Cornwall " whichever shall be the later the Corporation shall serve upon the owner notice to treat in respect of all

easements required by them under the provisions of the preceding subsection : A.D. 1927.

- (3) Instead of making compensation to the owner for the use of any road or roads on or through the estate of the owner and not repairable by the inhabitants at large the Corporation shall during the period of such user maintain and repair the said road or roads so far as the same shall be used by the Corporation to the reasonable satisfaction and under the superintendence of the owner or his agent and shall after such user is completed restore the said road or roads so used as aforesaid to as good a condition as the same were in before such user was commenced :
- (4) The Corporation subject to the provisions of this section may on the estate of the owner exercise the powers in respect of the forming of roads and the deposit of spoil conferred on them by section 32 of the Railways Clauses Consolidation Act 1845 as incorporated with this Act but the Corporation shall not exercise on the estate of the owner any other powers conferred on them by that section Provided that the power of forming roads shall not be exercised by the Corporation outside the limits of deviation shown on the deposited plans and all surplus material arising in the construction or maintenance of Work No. 2 shall if deposited on the estate of the owner be deposited at such place as the owner may from time to time reasonably direct provided that such place shall not be at a greater distance by road than half a mile from the work :
- (5) Any permanent telegraph or telephone wires or other means of communication laid by the Corporation through the estate of the owner shall where reasonably required by him be placed underground by the side of and as near as reasonably practicable to the line of Work No. 2 and any temporary telegraph or telephone wires shall be erected in such position and manner as may be approved

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by the owner and on completion of the works shall be removed :

- (6) After constructing repairing or renewing Work No. 2 through the estate of the owner the Corporation shall so far as reasonably practicable and to the reasonable satisfaction of the owner and without undue delay restore the surface of the ground as near as may be to its former level or state :
- (7) Work No. 2 shall where constructed through the estate of the owner be laid underground so as to leave except in the vicinity of a ditch watercourse or sudden short depression in the ground at least two feet six inches between the general surface of the ground and the highest part of any pipe :
- (8) The Corporation shall from time to time at the request of the owner provide suitable culverts or drains in substitution for any culverts or drains of the owner which may be interfered with by Work No. 2 :
- (9) All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be injured by the Corporation their contractors or workmen during the construction repair or renewal of Work No. 2 shall subject to the provisions of this section forthwith after such interference be made good by the Corporation to the reasonable satisfaction of the owner :
- (10) The rights of the owner and his tenants of passing over and using for all purposes (except the erection of buildings) the land of the owner over or under Work No. 2 shall not be interfered with and it shall be lawful for the owner and his tenants to lay out construct and use along over or under the said work any roads drains or pipes Provided that such construction and use shall not injure the said work or interfere with the maintenance repair or renewal thereof The Corporation shall not except with the consent in writing of the owner fence off or sever any land of

the owner in respect of which the Corporation acquire an easement : A.D. 1927.

(11) During the construction repair or renewal of Work No. 2 on or under the estate of the owner the Corporation shall take all reasonable means to ensure that all gates and gaps in fences which may be opened by the Corporation or their contractors or any officer or servant of the Corporation or their contractors shall be closed during such time as the work is not in actual execution and that such officers and servants shall not trespass on the estate of the owner :

(12) If any tramroad is constructed by the Corporation or their contractors through any part of the estate in respect of which an easement is acquired the following provisions shall apply (namely) :—

(a) Such tramroad shall be laid as near as reasonably practicable to the line of Work No. 2 ;

(b) Such tramroad shall be used only during and for the purposes of the construction or renewal of Work No. 2 and on the completion of such construction or renewal the said tramroad shall be removed by the Corporation and the surface of the land over which the same shall have been constructed restored to its former level or state to the reasonable satisfaction of the owner ;

(c) In all places where the said tramroad shall be constructed on the estate the Corporation shall at the option of the owner either effectually fence off the same from the adjoining land of the owner and make crossing places and erect gates where the owner shall reasonably require and keep the said fences crossing places and gates in good repair and on the removal of the said tramroad remove such fences and gates or shall leave the said tramroad unfenced

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and erect and maintain a gate wheresoever the said tramroad shall intersect a wall or fence or cross a road:

(13) Any difference which may arise between the owner and the Corporation (other than any difference as to the amount of compensation to be paid by the Corporation to the owner) shall be determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply:

(14) Except where otherwise expressly provided the provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or any Act incorporated herewith which may enure for the protection or benefit of the owner Provided that the owner shall not be entitled to recover any penalty or compensation under this section and also under any other provisions of this Act or any Act incorporated herewith or otherwise in respect of the same damage or injury.

Waterworks to form part of water undertaking.

16. The waterworks and all lands acquired by the Corporation for the purposes of the water undertaking under the powers of this Act shall for all purposes form part of and be comprised in the water undertaking.

Supply of water to institutions farms &c.

17.—(1) The Corporation shall not be bound to supply with water otherwise than by measure (a) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (b) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (c) any school not maintained by the local education authority.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic

purposes to a farmhouse at the ordinary rate calculated on the annual value thereof. A.D. 1927.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same annual value.

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

Amendment of section 35 of Waterworks Clauses Act 1847.

19. Any urban or rural district council in respect of the whole or the part of their district which is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water within any part of such district which is within the water limits.

Guarantees by district councils.

PART III.

ELECTRICITY.

20.—(1) Subject to the provisions of this Act the Corporation may in the urban district of Newton Abbot in the county of Devon and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Power to construct works in connection with generating station.

Work No. 3 An intake from the river Teign with pumping station connected therewith on the right bank of the river and near to their existing intake from that river;

Work No. 4 A delivery culvert or pipe commencing in the pumping station (Work No. 3) and terminating in the existing generating station of the Corporation in Teign Road;

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Work No. 5 A culvert or pipe with outlet into the river Lemon commencing in the said generating station and terminating on the right bank of that river 206 yards or thereabouts from its confluence with the river Teign.

(2) In addition to the foregoing works the Corporation may upon the lands within the limits of deviation shown on the deposited plans relating to Works No. 3 No. 4 and No. 5 by this Act authorised make and maintain all such walls gates sluices culverts channels cuttings drains pipes valves flaps buildings pumps engines machinery and other works apparatus and appliances as may be necessary or convenient in connection with or subsidiary to Works No. 3 No. 4 and No. 5 or any of them but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation for electricity works.

21. In the construction of the works by this Part of this Act authorised the Corporation may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may also deviate vertically from the levels of the said works as shown on the deposited sections to any extent Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

Power to take water from river Teign and to discharge water into river Lemon.

22.—(1) Subject to the provisions of this Act the Corporation may by means of Works Nos. 3 and 4 by this Act authorised abstract water from the river Teign and may use the same at the said generating station for any purpose in connection with the electricity undertaking.

(2) Subject as hereinafter provided the Corporation may by means of Work No. 5 by this Act authorised discharge into the river Lemon so much of the water abstracted by them from the river Teign under the provisions of this Part of this Act as shall not be consumed at the generating station.

(3) Before discharging any water into the river Lemon under the powers of this section the Corporation shall construct and thereafter maintain in the position shown on the plan which has been signed in duplicate by Herbert Adamson Hield on behalf of the Corporation and Harold Gaye Michelmores on behalf of the Fishery Board and to the reasonable satisfaction of that board a grating to prevent the passage of fish up the river Lemon: A.D. 1927.

Provided that if at any time it shall appear that the system and method of abstracting and discharging water abstracted from the river Teign under the powers of this section interferes with the free passage of fish along that river or that the navigation of the river Lemon is of sufficient importance to justify the removal or alteration of the said grating the Corporation shall alter their system or method of abstracting or discharging such water or the position of the said grating in such manner or shall remove the said grating as may be agreed between the Corporation the Fishery Board and the Teignmouth Harbour Commissioners or determined by arbitration.

(4) Any difference which may arise or is to be determined by arbitration under the provisions of this section shall be determined by a single arbitrator to be appointed in default of agreement between the parties in dispute by the Minister of Agriculture and Fisheries on the application of either party after notice in writing to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply.

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

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

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(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

For protec-
tion of
Newton
Abbot
Urban
District
Council.

24.—(1) If in consequence of the exercise by the Corporation of the powers of this Part of this Act the waters of the river Lemon become so foul or in such a state as to be a nuisance or injurious to the health of the inhabitants of the urban district of Newton Abbot the Corporation shall take such steps as may be necessary to abate such nuisance.

(2) If complaint is made to the Minister of Health by the Newton Abbot Urban District Council that the Corporation have made default in complying with the provisions of this section the Minister if satisfied after due inquiry that the Corporation have made such default shall make an order limiting a time for the performance of the duty of the Corporation in the matter of such complaint and such order shall be enforceable in manner provided by section 299 of the Public Health Act 1875 as if the same were an order made under that section.

For protec-
tion of
Teignmouth
Harbour
Commis-
sioners.

25. The following provisions for the protection of the Teignmouth Harbour Commissioners (hereinafter in this section referred to as "the commissioners") shall unless otherwise agreed in writing between the Corporation and the commissioners apply and have effect (that is to say) :—

(1) No obstruction to or interference with the navigation of the river Teign or to or with the traffic using the same or the towing-path thereof shall be caused in or by reason or in consequence of the execution maintenance or use of the works of the Corporation by this Part of this Act authorised or by reason or in consequence of the failure or want of repair thereof or of the exercise by the Corporation of the powers of this Part of this Act except such as may be absolutely necessary during the period of the construction extension or alteration of the said

works and any works which shall or may cause such obstruction or interference shall be works which shall only be constructed in accordance with plans and sections approved by the Board of Trade in accordance with the section of this Act whereof the marginal note is "Works below high-water mark to be subject to approval of Board of Trade":

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- (2) If in consequence of the discharge of water from the works of the Corporation by this Part of this Act authorised any silting or obstruction is caused in the river Lemon or the river Teign the Corporation shall reimburse to the commissioners the expenses reasonably incurred by them of any dredging or other work required to remove such silting or obstruction and shall indemnify the commissioners against any claim which may be made against them in respect or in consequence of any such silting or obstruction:
- (3) When any plans and sections are submitted to the Board of Trade in pursuance of the provisions of the section of this Act the marginal note of which is "Works below high-water mark to be subject to approval of Board of Trade" the Corporation shall at the same time submit copies of such plans and sections to the commissioners:
- (4) If any difference shall arise between the Corporation and the commissioners under subsection (1) or (2) of this section such difference shall be determined by arbitration by an engineer to be appointed failing agreement by the President for the time being of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply:
- (5) Except as is by this Act expressly provided nothing in this Act contained shall take away lessen alter or prejudice any of the rights powers or privileges of the commissioners.

26.—(1) The provisions of the section of this Act of which the marginal note is "For protection of Great

For further
protection
of Great

A.D. 1927.

Western
Railway
Company.

Western Railway Company" shall so far as applicable extend and apply with respect to Work No. 4 by this Act authorised where the same passes under the Great Western Railway as if the same with the necessary modifications were repeated in this Part of this Act.

(2) The Corporation shall not discharge water into the river Lemon from Work No. 5 by this Act authorised in such manner as to damage or affect the railways or works of the Great Western Railway Company.

Electricity
works to
form part of
electricity
undertaking.

27. The works by this Part of this Act authorised and all lands acquired by the Corporation for the purposes of the electricity undertaking under the powers of this Act shall for all purposes form part of and be comprised in the electricity undertaking.

PART IV.

LANDS.

Power to
take and
appropriate
lands.

28. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works by this Act authorised and of preventing the fouling of the waters which they are by this Act authorised to collect and impound.

Period for
compulsory
purchase of
lands.

29. The powers of the Corporation for the compulsory purchase of lands for any of the purposes of this Act shall cease after the thirty-first day of October one thousand nine hundred and thirty.

Acquisition
of easements
in respect of
Chagford
Common
and Stiniel
Down.

30. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act purchase or acquire any land forming part of Chagford (otherwise Meldon) Common or Stiniel Down in the parish of Chagford but the Corporation may acquire such easements only in such lands as they may require for the purpose of making and maintaining Work No. 2 by this Act authorised and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

The Corporation shall not be required or entitled to fence off or sever the portion of the said lands in respect of which they acquire such easements as aforesaid from the remainder of the said lands and shall as soon as practicable after breaking up the surface of the land restore the same to its former level and condition.

A.D. 1927.

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

Corporation may acquire easements only in certain cases.

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

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

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

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

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Application
of provi-
sions of Act
of 1923.

33. The following provisions of the Act of 1923 shall extend and apply in regard to the lands authorised to be taken under the powers of this Act as if those provisions with the necessary modifications were re-enacted in this Act respectively (namely):—

Section 11 (Owners may be required to sell parts only of certain premises);

Section 12 (Compensation in case of recently acquired interests);

Section 13 (Persons under disability may grant easements &c.):

Provided that in their application to this Act the said section 11 shall be read and have effect as if the properties described in the Second Schedule to this Act were described in the First Schedule to that Act and the said section 12 shall be read and have effect as if the twentieth day of November one thousand nine hundred and twenty-six were therein mentioned instead of the twentieth day of November one thousand nine hundred and twenty-two.

Retention
and disposal
of lands.

34.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or interest therein acquired by them under this Act or any general or local Act for the time being in force and relating to the Corporation (other than the Housing Act 1925 or any enactment repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained : A.D. 1927.

Provided also that nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consents would be required if this Act had not been passed.

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

35.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health 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 Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or the former Acts or under any other powers 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 of Health. Proceeds of
sale of sur-
plus lands.

A.D. 1927.

(2) Any capital moneys received by the Corporation on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

PART V.

FINANCIAL.

Power to borrow.

36.—(1) The Corporation 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 thereof and they shall pay off all moneys so borrowed within the respective periods (each of which for the purposes of the interpretation of section 135 (Sinking fund) of the Act of 1923 as incorporated with this Act is "the prescribed period") mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the acquisition of lands and easements for the works authorised by Parts II and III of this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) For the construction of the water-works by this Act authorised.	£ 66,000	Fifty years from the date or dates of borrowing.
(c) For the construction of the electricity works by this Act authorised.	15,000	Twenty-five years from the date or dates of borrowing.
(d) For the payment of the costs charges and expenses of obtaining this Act.	The sum requisite.	Five years from the passing of this Act.

Provided that no sum shall be borrowed for the purpose (a) in this subsection mentioned without the consent of the Minister of Health.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as

may be necessary for any of the purposes of this Act other than the purposes of Part III (Electricity) and they may with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part III of this Act.

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(b) Any money borrowed under this subsection shall be repaid within such period (which for the purposes of the interpretation of section 135 (Sinking fund) of the Act of 1923 as incorporated with this Act is "the prescribed period") as may be prescribed by the Minister of Health or the Electricity Commissioners as the case may be.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the borough fund and consolidated rate.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of the Act of 1923 of which the marginal note is "Power to use one form of mortgage for all purposes."

37. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Section 234 of Public Health Act 1875 not to apply.

38. The following provisions of the Act of 1903 and the Act of 1922 shall apply to the exercise of the powers of this Act as if the same were with the necessary modifications re-enacted in this Act:—

Incorporation of financial provisions of Act of 1903 and Act of 1922.

The Act of 1903—

- Section 58. (Mode of raising money);
- Section 61. (Corporation not to regard trusts);
- Section 63. (Mode of paying off of money borrowed);
- Section 65. (Saving for existing charges);
- Section 68. (Application of borrowed moneys);
- Section 77. (Inquiries by Local Government Board) with the substitution of the word "five" for the word "three" in subsection (2) of that section.

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The Act of 1922—

Section 15 (Protection of lender from inquiry).

Sinking
fund.

39.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained either—

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

(b) By payment to the fund throughout the prescribed period of—

(i) such equal annual sums as will with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

(ii) such annual sums as are equivalent to interest on the amount from time to time in the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based;

A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund shall (subject to the provisions of this Act) unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Corporation to the credit of and form part of the borough fund and shown in the accounts of the Corporation under the separate heading or division in respect of the particular undertaking or department

against which the annual payments to the fund under subsection (1) of this section are chargeable. A.D. 1927.

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

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

(6) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

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

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such

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A.D. 1927. amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

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

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Corporation for the repayment of any moneys borrowed before the passing of this Act under any statutory borrowing power and the Corporation shall make such adjustments of any existing sinking funds and of their books and accounts relating thereto as the Minister of Health may sanction or require and the said provisions shall accordingly supersede section 135 (Sinking fund) of the Act of 1923 and any provisions in any other former Act relating to the Corporation with respect to the formation of sinking funds.

Interest on mortgages held jointly.

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

Period for repayment of loans under Municipal Corporations Act 1882.

41. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

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

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Use of
moneys
forming
part of
sinking and
other funds.

- (1) The moneys so used shall be repaid to the lending fund within the periods and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid :
- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly :
- (4) Any repayment made or interest paid shall be treated in the accounts of the Corporation as if it were a repayment on account of or a payment of interest on a loan raised by the Corporation under a statutory borrowing power.

43. Notwithstanding anything contained in any previous enactment—

Application
of income
of certain
funds.

- (a) Any income arising from any reserve fund or other similar fund shall be from time to time

A.D. 1927.

paid into the borough fund and the amount of any such income which may for the time being be required to accumulate and any contributions due to any such fund as aforesaid shall be paid to such fund out of the borough fund :

- (b) The Corporation may (if they think fit) apply temporarily in the provision of funds for working capital money received by them on account of the revenue of any undertaking from which revenue is derived by them.

Apportionment of items.

44. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

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

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

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating

to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than that authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1927.

(4) The foregoing provisions of this section shall be substituted for any provisions of the local Acts or Orders now in force and relating to the Corporation requiring an annual return to be made to the Minister with regard to the repayment of debt.

PART VI.

MISCELLANEOUS.

46.—(1) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building within the borough shall furnish the Corporation with drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations (which drawings and particulars are in this section included in the expression "elevations"). Elevations
of buildings.

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Auctioneers and Estate Agents Institute of the United Kingdom to be nominated by the President of that institute and

A.D. 1927. one member shall be a justice of the peace to be nominated by the council :

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(4) Where the elevations of any buildings proposed to be erected are required to be furnished to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the existing buildings in the neighbourhood or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the neighbourhood whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(5) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(6) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk. A.D. 1927.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (4) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may subject to the provisions elsewhere in this section contained adopt such procedure as they think fit.

(7) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the person by whom the elevations were submitted.

(8) In the event of a division of opinion among the members of the advisory committee upon any matter to be decided by them under this section the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation or again referred by the Corporation to the advisory committee and approved by that committee and any person who acts in contravention of this subsection shall be liable to a penalty - not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee

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A.D. 1927. — may direct Where such costs or any part thereof are payable by the person submitting the elevations they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

Prohibition of touting and hawking on Princess Parade in Princess Gardens and on seashore and prohibition of touting in other parts of borough.

47.—(1) No person shall on the seashore or in any street road promenade parade public walk garden or place of recreation on or within fifty yards of the sea front or in Belgrave Road from its junction with Torbay Road to its junction with Lucius Street Fleet Street Union Street from its junction with Fleet Street to its junction with Market Street Torwood Street Babbacombe Downs Road or Ilsham Marine Drive or on Babbacombe Downs or Walls Hill importune any person by touting for a hotel lodging house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement.

(2) No person shall on the Princess Parade or in the Princess Gardens or on the seashore or the approaches to the seashore without the consent in writing of the Corporation hawk sell or offer for sale any article or commodity :

Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding forty shillings.

(4) Section 157 (Prohibition of touting and hawking on Princess Parade in Princess Gardens and on seashore) of the Act of 1923 is hereby repealed.

Service of summons on members of council.

48. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Incorporation of provisions of

49. The provisions contained in the sections of the Act of 1903 and the Act of 1923 the numbers and

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marginal notes of which are set forth in this section shall so far as applicable and except where otherwise provided extend and apply to and in relation to the like matters as if they were with any necessary modifications re-enacted in this Act (namely):—

A.D. 1927.

—
Acts of 1903
and 1923.

The Act of 1903—

- Section 75 (Application of section 265 of Public Health Act 1875);
- Section 79 (Compensation how to be determined);
- Section 82 (Powers of Act cumulative);
- Section 83 (Saving for indictments);
- Section 84 (Recovery of penalties);
- Section 85 (Informations by whom to be laid);
- Section 87 (Judges not disqualified).

The Act of 1923—

- Section 167 (Damages and charges to be settled by court);
- Section 168 (Recovery of demands);
- Section 170 (Several sums in one summons).

50. Except as by this Act expressly provided nothing in this Act shall exempt the Corporation from the obligations imposed by sections 19 and 23 of the Salmon and Freshwater Fisheries Act 1923.

Saving for
Fisheries
Act.

51. Nothing contained in this Act shall extend to authorise the Corporation to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said duchy) the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exercise-

Saving
rights of
Duchy of
Cornwall.

A.D. 1927. able in relation to the said duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Crown
rights.

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

Costs of Act.

53. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the borough fund and consolidated rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1927.

FIRST SCHEDULE.

PART I.

- 43 Geo. III. c. lxxxviii. - An Act for repairing and enlarging the pier and quay within the port or harbour of Torquay in the county of Devon and for establishing a market within the town of Torquay.
- 5 & 6 Will. IV. c. xlv. - An Act for lighting watching and improving the parish of Tormoham in the county of Devon.
- 6 Will. IV. c. cviii. - An Act to rectify a mistake in an Act passed in the present session of Parliament for lighting watching and improving the parish of Tormoham in the county of Devon.
- 19 & 20 Vict. c. lxxviii. - The Torquay Waterworks Act 1856.
- 23 & 24 Vict. c. 44 - The Order relating to the district of Tormoham scheduled to and confirmed by the Local Government Supplemental Act 1860.
- 27 & 28 Vict. c. 93 - The Torquay Harbour Order 1864 confirmed by the Pier and Harbour Orders Confirmation Act 1864.
- 28 Vict. c. xxiv. - An Order relating to the district of Tormoham scheduled to and confirmed by the Local Government Supplemental Act 1865.
- 29 & 30 Vict. c. 106 - An Order relating to the district of Tormoham scheduled to and confirmed by the Local Government Supplemental Act 1866 (No. 3).
- 31 & 32 Vict. c. cxxix. - The Saint Mary Church Local Board Act 1868.
- 31 & 32 Vict. c. xlvii. - The Torquay Harbour Order 1868 scheduled to and confirmed by the Pier and Harbour Orders Confirmation Act 1868 (No. 2).

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- A.D. 1927. 31 & 32 Vict. c. lxxxv. - The Order relating to the district of Tormoham (Devonshire) scheduled to and confirmed by the Local Government Supplemental Act 1868 (No. 4).
- 39 & 40 Vict. c. cciii. - The Order relating to the district of Tormoham scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Bilbrough &c.) Act 1876.
- 40 & 41 Vict. c. lxxvii. - The Order relating to the Local Government District of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Altrincham &c.) Act 1877.
- 42 Vict. c. xliii. - The Order relating to the Local Government District of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879.
- 43 & 44 Vict. c. lxxxiii. - The Order relating to the Local Government District of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Alnwick Union &c.) Act 1880.
- 45 & 46 Vict. c. lxii. - The Order relating to the Local Government District of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1882.
- 46 & 47 Vict. c. lxxxix. - The Order relating to the Local Government District of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1883.
- 47 & 48 Vict. c. ccx. - The Order relating to the Local Government District of Saint Mary Church scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1884.
- 49 & 50 Vict. c. cxix. - The Torquay Harbour and District Act 1886.

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- 51 & 52 Vict. c. clxx. - The Torquay Harbour Order 1888 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1888. A.D. 1927.
- 54 & 55 Vict. c. lxii. - The Torquay Electric Lighting Order 1891 scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1891.
- 55 & 56 Vict. c. lxxii. - The Order relating to the urban sanitary district of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1892.
- 55 & 56 Vict. c. cciv. - The Torquay Harbour Order 1892 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 3) Act 1892.
- 56 & 57 Vict. c. ciii. - The Torquay Harbour Order 1893 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1893.
- 58 & 59 Vict. c. xl. - The Order relating to the borough of Torquay scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1895.
- 60 & 61 Vict. c. xxiii. - The Torquay Corporation Water Act 1897.
- 63 & 64 Vict. c. clxxxiii. - The Torquay (Extension) Order 1900 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1900.
- 1 Edw. 7. c. clix. - The Babbacombe Pier Order 1901 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1901.
- 1 Edw. 7. c. cxlvii. - The Torquay Order 1901 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1901.
- 3 Edw. 7. c. cvi. - The Torquay Corporation Water Act 1903.
- 6 Edw. 7. c. cxiii. - The Torquay Harbour Order 1906 scheduled to and confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1906.

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- A.D. 1927. 10 Edw. 7. & 1 Geo. 5. The Torquay Harbour Order 1910
c. lxxii. scheduled to and confirmed by the
Pier and Harbour Orders Confirma-
tion (No. 2) Act 1910.
- 1 & 2 Geo. 5. c. cxliii. - The Torquay Order 1911 scheduled to
and confirmed by the Local Govern-
ment Board's Provisional Orders
Confirmation (No. 4) Act 1911.
- 2 & 3 Geo. 5. c. cxxxv. - The Torquay Order 1912 scheduled to
and confirmed by the Local Govern-
ment Board's Provisional Orders
Confirmation (No. 9) Act 1912.
- 3 & 4 Geo. 5. c. cxxx. The Torquay Order 1913 scheduled
to and confirmed by the Local
Government Board's Provisional
Orders Confirmation (No. 6) Act
1913.
- 10 & 11 Geo. 5. c. cx. - The Torquay Order 1920 scheduled to
and confirmed by the Ministry of
Health Provisional Orders Confirma-
tion (No. 3) Act 1920.
- 12 & 13 Geo. 5. c. lvi. - The Torquay Corporation (Electricity)
Act 1922.
- S.R. & O. 1922 No. 200 - The Torquay Corporation Gas Order
1922 made by the Board of Trade
under section 10 of the Gas Regula-
tion Act 1920.
- 13 & 14 Geo. 5. c. cii. - The Torquay Corporation Act 1923.
- S.R. & O. 1924 No. 1,624 The Babbacombe Cliff Light Railway
Order 1924.
- 27th May 1924 - - The Torquay Electricity (Extension)
Special Order 1924 made by the
Electricity Commissioners and con-
firmed by the Minister of Transport
under the Electricity (Supply) Act
1919.

PART II.

- 1st July 1927 - - The Torquay Electricity (Extension
&c.) Special Order 1927 made by
the Electricity Commissioners and
confirmed by the Minister of Trans-
port and submitted to Parliament
in the month of July 1927 for
approval under and pursuant to the
Electricity (Supply) Act 1919.

SECOND SCHEDULE.

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LIST OF PROPERTIES OF WHICH PART ONLY MAY BE
TAKEN.

Parish.	Number on Deposited Plans.
Parish of Chagford -	65 134 139 140 141 142 143 145 146 147 148 150 152 155.
Parish of North Bovey -	31.
Parish of Lustleigh -	70.
Parish of Bovey Tracey -	8A.

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FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
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