

**CHAPTER xxxvi.**

An Act to amend the provisions of the Birkenhead Corporation Water Act 1907 with respect to compensation water to confer further powers on the Corporation with respect to their water undertaking and for other purposes.

A.D. 1929.

[10th May 1929.]

WHEREAS the mayor aldermen and burgesses of the borough of Birkenhead (in this Act referred to as "the Corporation") were by the Birkenhead Corporation Water Act 1907 (in this Act referred to as "the Act of 1907") authorised to construct certain reservoirs and other waterworks in the counties of Denbigh Merioneth Flint and Chester including two impounding reservoirs to be called the Alwen reservoir and the Brenig reservoir respectively for the purpose of taking diverting and appropriating so much of the waters of the rivers Alwen and Brenig and their tributaries as may be intercepted by the said works :

And whereas by section 58 (Compensation water) of the Act of 1907 the Corporation are required during every day of twenty-four hours to discharge or deliver in a regular and continuous flow compensation water into the river Alwen of a quantity not less than three million six hundred thousand nine hundred and nineteen gallons and into the river Brenig of a quantity not less than two million six hundred and two thousand four hundred and thirty-seven gallons :

A.D. 1929.

— And whereas the Alwen reservoir has been completed and the waters impounded thereby are now being supplied by the Corporation for the purposes of their water undertaking :

And whereas the demand for water within the limits of supply of the Corporation and for supplies by them of water in bulk has increased is increasing and is likely to increase :

And whereas it is expedient that the obligations of the Corporation in regard to the discharge of compensation water into the said rivers should be varied as by this Act provided :

And whereas the whole of the moneys authorised to be borrowed by the Act of 1907 for the purposes of the works by that Act authorised (except the sum of eighteen thousand pounds) have been expended upon the acquisition of lands and upon the construction of the Alwen reservoir and the aqueduct and works connected therewith and it is expedient that further borrowing powers should be conferred upon the Corporation for the purposes of the construction of the Brenig reservoir and the aqueduct and works connected therewith :

And whereas an estimate has been prepared by the Corporation of the present cost of constructing the last mentioned reservoir aqueduct and works and such estimate amounts to the sum of nine hundred and thirty thousand pounds :

And whereas the several works included in the said estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided :

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation :

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

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

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

A.D. 1929. — to March inclusive in every year than one million five hundred thousand gallons of water which quantities of water shall be discharged or delivered in a regular uniform and continuous flow From and after the expiration of such year as aforesaid the Act of 1907 shall be read and have effect as if the quantities of compensation water required by this subsection to be discharged were referred to in subsection (1) of section 58 (Compensation water) of the Act of 1907 in lieu of the quantity therein mentioned.

(2) The Corporation shall at their own cost at all times maintain in efficient working order and condition a Venturi meter for measuring the amount of water drawn from the Alwen reservoir into the aqueduct of the Corporation and such meter and the records thereof shall be open at all times to the inspection and examination of any duly authorised officer of the fishery board of the Chester Waterworks Company and of the Denbigh County Council respectively and the provisions of subsection (6) of the said section 58 as amended by this Act shall apply to the said meter as if it were a gauge therein referred to.

(3) Notwithstanding anything contained in the Act of 1907 the quantity of compensation water which the Corporation from and after the completion of the Brenig reservoir are required during every day of twenty-four hours to discharge or deliver from the Brenig reservoir into the river Brenig at a point therein situate not more than three hundred yards below the foot of the dam of the Brenig reservoir as full compensation to all persons for taking diverting and appropriating the waters of the said river and its tributaries shall be not less in the months of April to September inclusive in every year than two million five hundred thousand gallons of water and not less in the months of October to March inclusive in every year than one million five hundred thousand gallons of water which quantities of water shall be discharged or delivered in a regular uniform and continuous flow The Act of 1907 shall be read and have effect as if the quantities of water required by this subsection to be discharged were referred to in subsection (3) of the said section 58 in lieu of the quantity therein mentioned.

(4) The gauges which the Corporation are by section 58 of the Act of 1907 required to provide shall be proper

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

A.D. 1929.

1. This Act may be cited as the Birkenhead Corporation Water Act 1929. Short title.

2. In this Act unless the subject or context otherwise requires the expression— Interpretation.

“ the Corporation ” means the mayor aldermen and burgesses of the borough of Birkenhead;

“ the Act of 1907 ” means the Birkenhead Corporation Water Act 1907;

“ the Alwen reservoir ” means the Alwen reservoir authorised by the Act of 1907;

“ the Brenig reservoir ” means the Brenig reservoir authorised by the Act of 1907;

“ the fishery board ” means the Board of Conservators of the River Dee Fishery District; and

“ the 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.

3.—(1) Notwithstanding anything contained in the Act of 1907 from and after the expiration of the first complete year ending on the thirty-first day of March after the passing of this Act during which the total quantity of water drawn from the Alwen reservoir into the aqueduct of the Corporation shall amount to an average of seven million two hundred thousand gallons per day as registered by a Venturi meter (to be maintained as in this section mentioned) the quantity of compensation water which the Corporation are required during every day of twenty-four hours to discharge or deliver into the river Alwen at a point therein situate not more than three hundred yards below the foot of the dam of the Alwen reservoir as full compensation to all persons for taking diverting and appropriating the waters of the said river and its tributaries shall be not less in the months of April to September inclusive in every year than three million gallons of water and not less in the months of October

Alteration of provisions of Act of 1907 as to compensation water &c.

A.D. 1929. Corporation be liable to pay any penalty for not supplying water if prevented by unusual drought frost or other unavoidable cause or accident or during necessary repairs.

(2) For the purposes of the application of section 35 of the Waterworks Clauses Act 1847 to the water undertaking of the Corporation as from time to time authorised the said altitude of thirty-five feet shall be deemed to be referred to in the said section in lieu of the top storey of the highest houses.

(3) Nothing in this section shall affect the operation of section 22 (Protection of Henry Frederic Clare Vyner) of the Birkenhead Corporation (Gas and Water) Act 1881.

Price for
supplies by
measure.

6. The price to be charged by the Corporation for a supply of water by measure (other than water supplied for the purposes of shipping) shall not exceed two shillings and sixpence per thousand gallons. Provided that the Corporation shall be entitled to make a minimum quarterly charge of one pound for water supplied by measure through meters of which the diameter of the inlet and outlet does not exceed three-quarters of an inch and in cases where such diameter exceeds three-quarters of an inch such minimum quarterly charges as they may prescribe.

Supply to
houses
partly used
for trade
&c.

7.—(1) The Corporation shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse hospital asylum (whether public or private) sanatorium school club restaurant hotel public-house or inn; or
- (c) any boarding house capable of accommodating at least twelve persons; or
- (d) any public institution which is habitually occupied by at least twenty persons.

(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

and suitable automatically recording gauges for recording the several quantities of compensation water which the Corporation are required to discharge and the said gauges and the records thereof shall be open at all times to the inspection and examination of the persons referred to in subsection (5) of the said section 58 and of any duly authorised officer of the Chester Waterworks Company and of the Denbigh County Council respectively. A.D. 1929.

(5) Subsections (6) (7) and (8) of the said section 58 shall be read and have effect as if the Chester Waterworks Company and the Denbigh County Council were referred to therein in addition to the fishery board.

(6) The Corporation shall efficiently treat all wash water from their filters prior to its discharge into the river Alwen or the river Brenig so as to prevent the pollution of the waters of the said rivers.

(7) The Corporation shall pay to the fishery board the sum of five hundred pounds within three months from the passing of this Act and a further sum of two thousand pounds within fifteen months from the passing of this Act.

(8) The Corporation shall pay to the Chester Waterworks Company the sum of one thousand pounds within six months from the passing of this Act.

4. Until the total quantity of water drawn from the Alwen reservoir into the aqueduct of the Corporation in any year ending on the thirty-first day of March shall first amount to an average of seven million two hundred thousand gallons per day as registered by a Venturi meter the Corporation shall as soon as practicable after the thirty-first day of March but not later than the thirty-first day of May in every year furnish to the Denbigh County Council a return of the total quantity of water drawn from the said reservoir into the said aqueduct during the year ending on the preceding thirty-first day of March. Return to be furnished to Denbigh County Council.

5.—(1) The water to be supplied by the Corporation within their limits for the supply of water (unless it can be supplied to reach a higher altitude by gravitation from the works from which the supply is afforded) need not be laid on under a greater pressure than will make the water reach an altitude of thirty-five feet above the ground level of any premises to be supplied nor shall the Constant supply and pressure.

measure 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. A.D. 1929.
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(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 from time to time in force for a domestic supply furnished to a dwelling-house of the same net annual value.

8.—(1) Where water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus be used charge such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more carriages or motor cars than one are kept) a further sum not exceeding ten shillings per annum for each carriage or motor car beyond the first Any sums chargeable under this subsection shall be payable quarterly in advance and shall be recoverable in all respects with and in the same manner as water rates. Charges for supplies for motor cars refrigerating apparatus &c.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

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

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

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

A.D. 1929.

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Rates
payable by
owners of
small
houses.

9. Where a house supplied with water is let to a monthly or weekly tenant or a tenant holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Power to
repair
communica-
tion pipes.

10. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe within the limits for the supply of water by the Corporation which communication pipe the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Corporation for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter :

Provided also that except in case of emergency the Corporation shall not without the previous consent of the London and North Eastern Railway Company exercise the powers of this section in respect of any property belonging to such railway company and used

17. The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say) :—

A.D. 1929.
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 Incorporation of certain financial provisions.

The Birkenhead Corporation Act 1881—

Section 287 (Protection of lenders from inquiry).

The Birkenhead Corporation Act 1897—

Section 48 (Repayment of moneys hereafter borrowed under existing powers);

Section 49 (General provisions as to sinking funds).

The Birkenhead Corporation Act 1914—

Section 12 (Mode of raising money);

Section 15 (Power to borrow under Local Loans Act 1875);

Section 16 (Power to re-borrow);

Section 17 (Application of money borrowed); and

Section 18 (Audit of accounts) :

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall respectively be deemed to be "the prescribed period" for the purposes of such application of the said sections :

Provided also that the said sections shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board.

18. Notwithstanding anything contained in any Act it shall be lawful for the provision of the sums required to be provided for the redemption of any moneys borrowed for the purpose of the construction of the Brenig reservoir and the aqueduct and works connected therewith to be suspended until the work upon which such moneys are expended is brought into use or the expiration of five years from the date or dates of borrowing the said moneys whichever shall be the earlier.

Suspension of payments into certain sinking fund.

[Ch. xxxvi.] *Birkenhead* [19 & 20 GEO. 5.]
Corporation Water Act, 1929.

A.D. 1929.

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Expenses of
execution
of Act.

19. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and general rate.

Costs of
Act.

20. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

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for the purposes of their undertaking but such consent shall not be unreasonably withheld. A.D. 1929.

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

Corporation to connect communication pipes with mains.

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

Maintenance of common pipe.

13. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Corporation may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension of power to inspect premises.

14. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main

Penalty for opening valves &c.

A.D. 1929. or pipe connected with any main of the Corporation and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Amendment of section 28 of Act of 1923.

15. Section 28 (Penalty for closing valves and apparatus) of the Birkenhead Corporation Act 1923 shall be read and have effect as if the words "which is not also used for the purposes of a supply to any other consumer" were added at the end of that section.

Power to borrow and repayment of borrowed moneys.

16.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	£ The sum requisite.	Five years from the passing of this Act.
(2) For the construction of the Brenig reservoir and the aqueduct and works connected therewith.	930,000	Sixty years from the date or dates of borrowing.
(3) For the payment out of capital of interest on borrowed moneys referred to in the section of this Act whereof the marginal note is "Suspension of payments into certain sinking fund" during the period of the suspension authorised by that section.	The amount necessary.	Sixty years from the date or dates of borrowing.

(2) The power to borrow money conferred upon the Corporation by the Act of 1907 so far as the same has not been exercised is hereby repealed.