



CHAPTER lii.

An Act to transfer to and vest in the Windermere Urban District Council the undertaking of the Windermere District Gas and Water Company and to authorise that Council to supply water and gas and for other purposes. [10th May 1929.]

A.D. 1929.

WHEREAS by the Windermere District Gas Act 1862 the Windermere District Gas Company were incorporated and authorised to make gasworks and supply gas within the limits therein described :

And whereas by the Windermere District Waterworks Act 1869 the name of the said Company was changed to the Windermere District Gas and Water Company (in this Act referred to as "the Company") and the Company were authorised to make waterworks and supply water within the same limits within which they were authorised to supply gas :

And whereas by the Windermere Gas and Water Act 1889 the Windermere District Gas and Water Act 1912 and the Windermere District Gas and Water Act 1928 (in this Act called "the Act of 1928") further powers were conferred on the Company :

And whereas the urban district of Windermere (in this Act called "the district") is under the local government of the Windermere Urban District Council (in this Act called "the Council") :

And whereas by section 127 of the Act of 1928 it was provided that if the Council should introduce in the then next session of Parliament a Bill for an Act to em-

A.D. 1929. — power them to purchase the undertaking of the Company and should bonâ fide promote the same the Company should not oppose such Bill except in so far as they might deem necessary in order to secure the insertion therein of provisions in accordance with that section to protect their interests with respect to the sale and purchase provided for by that section and to provide for the winding-up of the Company :

And whereas it was further provided by the said section 127 of the Act of 1928 that if the Council should obtain such an Act authorising such purchase they should, as from the quarter day next after the expiration of four months after the passing of such Act purchase and the Company should sell and transfer to the Council for the price or for the consideration of seventy-four thousand pounds the undertaking of the Company as defined by the said section freed from any then existing debenture mortgage or other debts or similar liabilities of the Company but subject to any other obligations of the Company under the Acts of Parliament relating to the Company :

And whereas it is expedient to empower the Council to purchase the undertaking of the Company in accordance with the provisions hereinbefore recited and to make provision for carrying such purchase into effect and for enabling the Council to carry on the said undertaking as provided by this Act :

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 :

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

(a) For and in connection with the water works authorised by the Act of 1928	£ 15,000
(b) For and in connection with the provision of additional filtration plant	2,000
(c) For the provision and laying of water mains	5,000
(d) For and in connection with the strengthening of the dam at Dubbs Reservoir	1,250

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 : A.D. 1929.
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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 of the lands by this Act authorised to be acquired and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Lancaster and are in this Act referred to as the deposited plans 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 (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Windermere Urban District Council Act 1929. Short title.

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

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Supply of water.

Part IV.—Supply of gas.

Part V.—Lands.

Part VI.—Financial and miscellaneous.

Division of
Act into
Parts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section. Incorporation of Acts.

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Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 or referred to therein have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“The district” means the urban district of Windermere;

“The Council” means the urban district council of the district;

“The clerk” means the clerk of the Council;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district or until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the district the district fund and the general district rate of the district;

“The Company” means the Windermere District Gas and Water Company;

“The Act of 1862” “the Act of 1869” “the Act of 1889” “the Act of 1912” and “the Act of 1928” respectively mean the Windermere District Gas Act 1862 the Windermere District Waterworks Act 1869 the Windermere District Gas and Water Act 1889 the Windermere District Gas and Water Act 1912 and the Windermere District Gas and Water Act 1928;

“The undertaking of the Company” includes all the lands easements streams springs waters buildings waterworks gasworks machinery mains pipes plant apparatus and furniture contracts plans engineering reports and other documents and other property of the Company other than stock-in-trade and stores and all rights powers privileges and interests vested in and belonging to or had or enjoyed by the Company at the transfer save and except—

(a) All sums standing to the credit of the Company at any bank or otherwise and all sums standing to the credit of any reserve or

other fund and all cash in hand (except consumers' deposits) at the transfer and all debts accrued due to the Company up to the transfer; and

(b) The directors' minute books and other books and papers relating exclusively to the shareholders in and the members and constitution of the Company;

“The gas undertaking” and “the water undertaking” respectively mean the gas undertaking and the water undertaking of the Council;

“The appointed day” means the quarter day next after the expiration of four months after the passing of this Act;

“The gas limits” and “the water limits” respectively mean the limits of the Council for the time being for the supply of gas and water respectively;

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

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“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;

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“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 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

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

PART II.

TRANSFER OF UNDERTAKING.

Sale and
purchase of
under-
taking of
Company.

5.—(1) The Company shall sell and the Council shall purchase as a going concern as from the appointed day the undertaking of the Company freed from any then existing debenture mortgage or other debts or similar liabilities of the Company.

(2) The consideration for the sale and purchase shall be—

- (i) the payment by the Council to the Company on the appointed day of the sum of seventy-four thousand pounds;
- (ii) the repayment to the Company of any capital expenditure in respect of the works of the Company incurred after the twenty-fourth day of April one thousand nine hundred and twenty-eight with the consent of the Council;
- (iii) the repayment to the Company of any sums paid for the purchase of the waterworks lands and appurtenances thereto described in the schedule to the agreement set forth in

the Second Schedule to the Act of 1928 (in this section referred to as "the scheduled agreement"); and

- (iv) the assumption by the Council of any obligations of the Company under the Acts of Parliament relating to the Company other than debenture mortgage or other debts or similar liabilities.

(3) If the said sum of seventy-four thousand pounds and any further sum payable under the last preceding subsection of this section is not paid on the appointed day the Council shall pay to the Company interest thereon at the rate of five pounds per centum per annum from the appointed day until the day of actual payment thereof.

(4) In the event of the Council completing the purchase of the undertaking of the Company before the Company have completed the purchase of the water-works lands and appurtenances described in the scheduled agreement the Council shall be entitled to complete such last mentioned purchase in lieu of the Company in accordance with the terms of the scheduled agreement as though the Council had been named in the scheduled agreement in lieu of the Company.

6. On payment by the Council to the Company of the said sum of seventy-four thousand pounds in accordance with the provisions of this Act and any further sum payable under the last preceding section of this Act the undertaking of the Company shall by virtue of this Act and without further assurance or other authority become and shall thenceforth stand transferred to and be vested in and belong to the Council freed from any then existing debenture mortgage or other debts or similar liabilities of the Company but subject to any other obligations of the Company under the Acts of Parliament relating to the Company and such transfer and vesting is referred to in this Act as "the transfer."

Transfer
and vesting
of under-
taking of
Company
to and in
Council.

7. Until the transfer the Company shall maintain and carry on their undertaking as heretofore in the ordinary course of business but the Company shall not without the previous consent of the Council make or enter into any new contract agreement liability or other

Exercise
of powers
until
transfer.

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Inspection
of books &c.

8. The Council before the transfer and thereafter the Company their solicitors and agents shall be entitled to have access to and to take copies of all documents to be handed over or handed over to the Council so far as the same may be necessary for the purposes of enabling the Council or the Company to execute any of the provisions of this Act and the Council shall also be entitled at any time and for the like purpose to have access to and to take copies of all documents to be retained by the Company.

Receipt for
purchase
money.

9. The receipt in writing of three directors of the Company for any money paid to the Company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof or from being answerable or accountable for the loss mis-application or non-application thereof. Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Evidence
of transfer.

10. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the Company or by the cashier of the Bank of England shall (unless it can be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer.

Company
to pay
outgoings
and to
be entitled
to receipts
until
transfer.

11. The Company shall be entitled to receive and recover all debts accrued due to the Company up to the transfer and shall pay and discharge all debts and liabilities incurred by them at any time (including the expense of the winding-up of the Company) except capital expenditure made since the twenty-fourth day of April one thousand nine hundred and twenty-eight with the consent of the Council under subsection (4) of section 127 of the Act of 1928 and the Council shall be entitled

to all rates rents and sums of money accruing due as from the transfer and shall discharge all outgoings and liabilities incurred as from the transfer in respect of the undertaking. A.D. 1929.
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12. The Council shall pay compensation to any officer in the employment of the Company on the twenty-fourth day of April one thousand nine hundred and twenty-eight who shall not be retained by the Council in the same or similar office or employment and at the remuneration in and at which he was employed by the Company at the said date in respect of any loss of office or diminution of salary by reason of the transfer of the undertaking of the Company to the Council the amount of such compensation in default of agreement to be determined by arbitration. Compensation to officers.

13. Stocks-in-trade and stores purchased in the ordinary course of business and held by the Company at the time of transfer shall be purchased by the Council at a fair valuation. Stock-in-trade.

14. The Company shall make up the accounts of the undertaking of the Company up to the time of the transfer as near as may be in the usual form and have the same audited by the auditors of the Company and shall deliver copies of such accounts to the Council. Company to make up accounts.

15.—(1) No action suit prosecution or other proceeding whatsoever commenced either by or against the Company in relation to any property right privilege debt liability or obligation transferred to the Council shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the Council in the same manner in all respects as the same would have continued and taken effect in relation to the Company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any enactments of the Company previously to the transfer may be sued for and all offences committed against such provisions previously to the transfer may be prosecuted by the Council in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place. Actions &c. not to abate and penalties to be recoverable.

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(2) This section shall not apply to any proceedings relating to the amount due to the shareholders of the Company in respect of their several holdings of shares in the Company.

Contracts
&c. to be
binding on
Council.

16. All agreements contracts deeds and other instruments affecting the Company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Council and may be continued or enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Books &c.
to remain
evidence.

17. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Company
to wind up
affairs.

18.—(1) From and after the transfer all obligations of the Company with reference to the supply of gas and water shall cease and determine and from and after the transfer the Company shall continue to exist only for the purpose of receiving and recovering the sums payable to the Company under this Act and distributing or otherwise applying the same and of winding-up the affairs of the Company and carrying into effect the purposes of this Act so far as they relate to the Company. The directors of the Company who are in office at the time of the transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the Company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of the winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

(2) As soon as may be practicable after the transfer the directors of the Company shall proceed to wind up the affairs of the Company and shall distribute the net moneys of the Company after defraying the expenses of winding-up the Company and any outgoings incidental

thereto amongst the shareholders of the Company and for that purpose the several persons whose names shall appear in the books of the Company at the time of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof. [A.D. 1929.]

(3) Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same the directors may pay the said money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may pay the same into the county court of Westmorland holden at Windermere and every such payment into court shall effectually discharge the Company and the directors from all further liability with respect to such money Upon the provisions of this section being carried into effect the Company shall ipso facto be dissolved.

19.—(1) As from the transfer all the powers rights privileges authorities duties and obligations of the Company under the provisions of the Act of 1862 the Act of 1869 the Act of 1889 and the Act of 1912 set forth in the First Schedule to this Act and under the provisions of the Act of 1928 shall be by virtue of this Act transferred to vested in and imposed on the Council and the Council may continue and maintain the water-works and gasworks constructed by the Company and the said provisions shall be read and have effect as if the Council had been therein named instead of the Company Provided that the Act of 1928 shall apply to the Council subject and according to the following exceptions and provisions (namely) :—

Application of Com-
pany's Acts
to Council.

- (i) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 as amended by subsequent Acts incorporated with the Act of 1928 shall not apply to the Council :

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- (ii) None of the provisions of the Act of 1928 or of any Acts incorporated therewith in any manner relating to the share or loan capital of the Company or to any limitation of the amount of profit to be received by the Company or undertakers or to the constitution meetings or directors of the Company shall apply to the Council. Section 120 of the Act of 1928 shall be read and have effect as though the word " clerk " had been substituted for " secretary " and " council " for " directors " :
- (iii) In the provisions of the Waterworks Clauses Acts 1847 and 1863 and the Gasworks Clauses Acts 1847 and 1871 incorporated with the Act of 1928 " the undertakers " shall mean the Council :
- (iv) In the provisions of the Lands Clauses Acts incorporated with the Act of 1928 " the promoters of the undertaking " shall mean the Council and the expression " the Lands Clauses Acts " in section 2 (Incorporation of Acts) of the Act of 1928 shall mean the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and as from the transfer the proviso to paragraph (a) of subsection (1) of the said section 2 shall be repealed.

(2) As from the transfer so much of the Act of 1862 and of the Act of 1869 and of the Act of 1889 and of the Act of 1912 as are not set forth in the First Schedule to this Act shall be repealed except so far as may be necessary to give effect to the section of this Act of which the marginal note is " Company to wind up affairs."

PART III.

SUPPLY OF WATER.

Water
limits.

20. The limits of this Act for the supply of water by the Council after the transfer shall be the district and the parishes of Undermillbeck and Troutbeck in the rural district of South Westmorland and so much of the parish of Cartmel Fell in the rural district of Ulverston in the county of Lancaster as lies to the north of a line

drawn from the river Winster along the Bryan Beck to the northern corner of the field or enclosure numbered 441 on the $\frac{1}{2500}$ Ordnance map of the said parish (sheet VIII-8 edition 1913) thence along the western boundary of the said field or enclosure thence along the northern and eastern boundaries of the field or enclosure numbered 442 on the said map and thence along the southern boundary of the said parish of Cartmel Fell to Blake Holme Nab on the Lake of Windermere. A.D. 1929.

21.—(1) All water supplied by the Council for domestic purposes shall be pure and wholesome. If at any time it shall appear to the Council that any water so supplied by them is liable to act upon lead in such a manner as to endanger the health of the consumer the Council shall forthwith treat any water so supplied so as to prevent such action. For prevention of plumbism.

(2) If at any time it shall appear to the medical officer of health for the county of Westmorland that any water supplied by the Council is liable to act upon lead in such a manner as to endanger the health of the consumer the Council shall upon being required so to do by the county council forthwith treat any water so supplied so as to prevent such action :

Provided that if any difference arises between the Council and the county council with respect to any requirement made under this subsection the difference shall be determined by the Minister of Health on the application of either of the parties.

(3) If the Council shall at any time supply water otherwise than in accordance with the provisions of subsections (1) and (2) of this section they shall be liable to a penalty not exceeding five pounds for every day during which such default shall continue.

22. The Council shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district : Application of provisions of Public Health Acts as to laying of water mains.

Provided that the Council shall not exercise such powers through across or under any lands or property belonging to a railway company and used for the purposes

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of their undertaking without the consent of such company but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of the railway company or the Council.

Power to
supply
water
fittings.

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

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

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

(4) Provided as follows :—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including

interest upon any monies borrowed for those purposes and all sums applied to sinking fund for repayment of monies so borrowed):

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

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

24. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates or charges shall be payable at such date or dates as the Council may from time to time appoint:

Dates for
payment of
water rates.

Provided that no person shall be compellable to pay water rates or charges so demanded for any longer period in advance than three months.

PART IV.

SUPPLY OF GAS.

25. The limits of this Act for the supply of gas by the Council after the transfer shall be the district and the parishes of Undermillbeck and Troutbeck in the rural district of South Westmorland except so much of such last-named parish as lies to the north of a line drawn from the shore of Lake Windermere along the southern boundary of the enclosure numbered 619 on the $\frac{1}{2500}$ Ordnance map Westmorland sheet XXXII—3 (edition of 1912) to the main road from Ambleside to Windermere thence along and including the said main road to its junction with Mirk Lane thence along and including Mirk Lane to its junction with Holbeck Lane thence along and including Holbeck Lane to its junction with Fell Lane thence along and including Fell Lane to its junction with Robin Lane thence along the south-western side of

Gas limits.

A.D. 1929. Robin Lane to its junction with the footpath leading from Robin Lane to High Skelgill thence along the said footpath across the enclosures numbered 385 368 and 369 on the $\frac{1}{2500}$ Ordnance map Westmorland sheet XXVI—15 (edition of 1913) to the point where the said footpath crosses the Holbeck Stream at the boundary of the Ambleside Urban District.

Price of
gas.

26.—(1) As from the transfer the price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed fifteen pence per therm.

(2) As from the transfer section 54 (Gas dividend dependent on price charged for gas) of the Act of 1928 shall be repealed.

Revision of
price of
gas.

27. If at any time after the passing of this Act the Council or twenty consumers in the gas limits represent to the Board of Trade that the costs and charges of and incidental to the manufacture and supply of gas by the Council have substantially altered from circumstances beyond the control of or which could not reasonably have been avoided by the Council the Board of Trade may after such inquiry as they may think fit by order vary the maximum price for the time being in force for the supply of gas by the Council either by way of increase or decrease and this Act shall have effect on and after such date as may be prescribed in the order as if the maximum price for gas supplied by the Council were the price prescribed by the order.

Power to
compel
repairs in
case of
danger.

28.—(1) If the Council shall at any time serve notice upon any consumer of gas to the effect that an officer or servant of the Council has reported after inspection of any internal piping or appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises the consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer fails to carry out forthwith such works as aforesaid the Council may stop the gas from entering the premises of the consumer by cutting off the service pipe or by such other means as the Council think fit. Any expenses lawfully incurred by the Council in cutting off

the gas from the premises may be recovered by the Council summarily as a civil debt. A.D. 1929.

(2) For the purpose of this section the Council shall subject to the provisions of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

(3) Nothing in this section shall apply to any internal piping appliance or fitting on the premises other than a dwelling-house of any railway company nor shall the powers of this section be exerciseable in respect of such premises.

PART V.

LANDS.

29. Subject to the provisions of this Act the Council may for the purposes of this Act and of their water undertaking enter upon take acquire hold and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

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

31. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Council shall as from the date of such acquisition be extinguished. Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands other than by agreement. Extinction of private rights of way.

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

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Compensa-
tion in case
of recently
created
interest.

33. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say) :—

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the seventeenth day of November one thousand nine thousand and twenty-eight and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the tribunal shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the tribunal materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration (other than any such improvement or alteration as is excepted from paragraph (a) of subsection (2) of this section) or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically

described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

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(a) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said seventeenth day of November and before the date of the passing of this Act:

- (4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

34.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Council should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

Further powers for acquisition of land.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation

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all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

Retention
and dis-
posal of
lands.

35. Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and 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 any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1925 or any enactment repealed thereby) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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

Consent of
Govern-
ment de-
partment
&c.

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

(2) Nothing in this Act contained shall release the Council or any person purchasing or acquiring any lands from them under this Act from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise

acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1929.

37.—(1) The Council 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 Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

(2) Any capital moneys received by the Council on the re-sale 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 VI.

FINANCIAL AND MISCELLANEOUS.

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

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period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
	£	
(a) For the purchase of the undertaking of the Company and for defraying the costs and expenses incident to such purchase and to the transfer of the said undertaking to the Council (other than the costs of this Act) and for the payment of any other sums payable by the Council to the Company or to any of the officers of the Company by way of compensation under this Act or for the payment for the waterworks lands and appurtenances thereto described in the schedule to the agreement set forth in the Second Schedule to the Act of 1928.	The sum requisite.	Fifty years from the date or dates of borrowing.
(b) For the purchase of the lands and for the construction of the works authorised by the Act of 1928.	15,000	Sixty years from the date or dates of borrowing.
(c) For the purchase of the lands authorised by this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(d) For and in connection with the provision of additional filtration plant.	2,000	Thirty years from the date or dates of borrowing.
(e) For the provision and laying of water mains.	5,000	Forty years from the date or dates of borrowing.
(f) For and in connection with the strengthening of the dam at Dubbs Reservoir.	1,250	Sixty years from the date or dates of borrowing.
(g) For working capital for the water undertaking and the gas undertaking.	5,000	Ten years from the date or dates of borrowing.
(h) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of

interest thereon the Council may mortgage or charge the revenues of the Council. A.D. 1929.

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

39. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts. Certain provisions of Public Health Acts not to apply.

40. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):— Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

41. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act. Mode of raising money.

42. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall Mode of payment off of money borrowed.

A.D. 1929. — be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

43.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed or 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 such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall 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 Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the payment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which

would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1929.

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

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

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed

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period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

(12) All moneys which at the date of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Power to
re-borrow.

44.—(1) The Council shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part

of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section. A.D. 1929.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

45. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Council may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Council under those Acts. As to section 234 of Public Health Act 1875.

46.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on

A.D. 1929. any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

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

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

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

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

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

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under

this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

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

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

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

Payments
into
sinking
fund.

48. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the

Use of
moneys
forming part
of sinking
and other
funds.

A.D. 1929. — redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

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

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised 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.

Application
of money
borrowed.

49. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

50. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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—
Evidence
of transfer
or trans-
mission of
securities.

51.—(1) Any reference in any mortgage or charge granted by the Council to the revenue of any undertaking of the Council shall be deemed to be a reference to the revenues of the Council.

As to
mortgage of
revenues of
Council.

(2) In order to secure the repayment of any money hereafter borrowed by the Council under any statutory borrowing power and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

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

Receipt in
case of
persons not
sui juris.

53. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Protection
of lender
from
inquiry.

54. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied

Council not
to regard
trusts.

A.D. 1929. notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Interest on mortgages held jointly.

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

Expenses of execution of Act.

56. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the general rate fund.

Appointment of receiver.

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

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

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

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

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

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(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be 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 those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

59.—(1) All money received by the Council on account of the revenue of any undertaking for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised under the said enactments shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

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

(2) Any moneys which the Council are required or authorised to pay or apply or may in the future be required or authorised to pay or apply under subsection (3) of this section shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the water undertaking or the gas undertaking as the case may be.

(3) Any income arising from any renewals fund depreciation fund contingent fund reserve fund or insurance or other similar fund shall be from time to time paid into the general rate fund and any contributions due to any such fund as aforesaid shall be paid out of the general rate fund.

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Water
rents and
gas
accounts
may be
collected
with
general
rate.

Separate
accounts to
be kept.

60.—(1) Any water rent or charge or gas account payable to the Council may be collected together with the general rate and the same books may be used for the said rents charges accounts and rates.

(2) The rate demand note and any other necessary documents to be used for the purposes of or in connection with the rate water rent or charge shall be in such form as the Minister of Health may from time to time prescribe.

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

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

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

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

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

(5) Whenever the money received by the Council from the gas undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section and the amount (if any) by which the revenue of the water undertaking fails to meet the sum required to provide for the several purposes mentioned in subsection (1) of this section in respect of that undertaking then the charges of the Council for the supply of gas to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure on or to a reduction in the estimated revenue from the gas undertaking for the said next succeeding year the

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amount of such excess or any part thereof will be required in order that the revenue from that undertaking may not be less than the amount to be expended or set aside for the said several purposes in connection with that undertaking the reduction in charges may be such only as will reduce the revenue of that undertaking by the amount of the balance of such excess.

Reserve
fund.

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

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

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

63.—(1) The Council may purchase or take on lease and maintain houses cottages and other buildings for persons in their employment in connection with the water undertaking and the gas undertaking and offices showrooms and other buildings for the purposes of those undertakings or either of them and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Council for those purposes.

A.D. 1929.
—
Dwelling-
houses for
employees
and other
buildings.

(2) The Council may in connection with and for the purposes of the gas undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purpose aforesaid.

64. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Closing of
registers.

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

Inquiries by
Minister of
Health.

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

66. 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 Council out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of
Act.

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The SCHEDULES referred to in the
foregoing Act.

THE FIRST SCHEDULE.

SECTIONS OF THE COMPANY'S ACTS
SAVED FROM REPEAL.

THE WINDERMERE DISTRICT GAS ACT 1862.

Power to
purchase
lands.

20. It shall be lawful for the Company to agree with the Owners of and other Persons interested in the Lands mentioned in the Schedule to this Act for the absolute Purchase or for the Lease of the same for such Consideration as may be agreed upon, together with all subsisting Leases therein, and all Rent-charges, Annuities, Mortgages, or Incumbrances affecting such Land, and all commonable or other Rights to which such Land may be subject, and all other Estates or Interests in such Land of what Kind soever: Provided always, that the total Quantity of Land to be held by the Company at any One Time after the Expiration of Three Years from the passing of this Act shall not exceed Six Acres and the Company may from Time to Time sell or otherwise dispose of, in such Manner, to such Persons, and for such Price as they think fit, any Lands acquired by them, but not ultimately deemed necessary for the Purposes of their Undertaking.

Company
may make
and main-
tain
Gasworks
and manu-
facture Gas
&c.

21. Subject to the Provisions of this Act, the Company from Time to Time may make, lay down, maintain, alter, or discontinue and renew such Gasworks, Retorts, Gasometers, Receivers, and Buildings, Cisterns, Engines, Machines, and other Apparatus, Cuts, Drains, Watercourses, Machinery, and other Works and Conveniences, Buildings, and Approaches thereto, upon the Land by this Act authorised to be purchased, held, and used by the Company, and may continue, lay down, maintain, alter, or discontinue and renew all such Pipes and Apparatus, and may manufacture Gas and do all such other Acts as they think proper and convenient for supplying Gas within the Limits of this Act, and for other Purposes by this Act authorised, and may manufacture, sell and dispose of, as they think fit, the Coke and all Products, Refuse, or Residuum arising, remaining, or obtained from the Materials used in the Manufacture of the Gas, and may provide and do all such Things as they deem expedient for such Purposes: Provided always, that the Company shall not erect Gasworks upon any Land other than the Land specified in the Schedule to this Act.

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

A.D. 1929.

Certain Lands, Buildings, and Premises in the Township of Undermillbeck, in the Parish of Windermere, in the County of Westmorland, lying partly on the North and partly on the South Side of the Road leading from the Village of Bowness to Brantfell, and consisting of certain Land, Buildings, and Premises now or late belonging to the Overseers of the Poor of the said Township of Undermillbeck, and occupied by Joseph Wood, and certain Land and Plantation belonging to Mr Thomas Ullock, and occupied by James Scott, and bounded by Property belonging or reputed to belong to the Trustees or other Representatives of the Reverend Robert Collinson, deceased, and occupied by Thomas German; by Land belonging or reputed to belong to Miss Ann Cartmell, and occupied by William Harrison; by the said Road leading from Bowness to Brantfell; by land belonging to Mr. Thomas Ullock, and occupied by James Scott; and by Property belonging to Mr. Edward Garnett, and occupied by himself and George Gardner, or One of them.

THE WINDERMERE DISTRICT WATERWORKS ACT 1869.

22. Subject to the provisions of this Act, the Company may make and maintain the waterworks in the lines, according to the levels, and upon the lands delineated on the deposited plans and sections, and described in the deposited books of reference, and for those purposes may enter upon, take, and use such of the lands, streams, and waters delineated on the said plans and described in the said book of reference as shall be necessary for the purposes of this Act, and may impound, take, and divert the waters of the brook or stream called Dubbs Beck, and of the several tributaries of the said beck, and all other brooks, streams, springs, and waters which now directly or derivatively flow or proceed into or supply the said beck or which can or may be intercepted or abstracted by means of the waterworks.

Power to
make
Waterworks.

23. Wherever and so far as the line of any works shown upon the deposited plans passes along any road, and no limits of lateral deviation are marked thereon, the Company may in the construction of such works deviate laterally from the lines thereof as laid down on such plans to the extent of the boundaries of such road, and also the company may in the construction of any works shown upon the deposited plans deviate laterally from the lines or position thereof as laid down on the said plans to any extent not exceeding the limits of deviation shown on the said plans, and the company may deviate from the levels of the reservoirs as delineated on the deposited sections to any extent not exceeding five feet, and of other works as delineated on the said sections to any extent not exceeding seven feet.

Lateral and
vertical
deviations.]

A.D. 1929.

—
Temporary
occupation
of lands.

24. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorised by this Act, and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if the said reservoirs and works were therein mentioned instead of the railway, and the boundaries of the reservoirs and works instead of the centre of the railway.

Construction
of works
affecting the
London and
North-
western
Railway
Company.

25. All works to be constructed in carrying into execution the purposes of this Act across or in any way affecting the Kendal and Windermere Railway of the London and North-western Railway Company, or the bridges or works thereof, or any lands or property belonging or in lease to that company, shall be carried and maintained at such level as the principal engineer for the time being of that company shall in writing reasonably require, and the works for that purpose, as well also all alterations and repairs thereof respectively, shall be made and constructed in all respects under his superintendence and to his reasonable satisfaction, and according to plans to be reasonably approved by him in writing before any such works are begun, but in all things at the expense of the company; and if the engineer of the company and of the London and North-western Railway Company shall differ with respect to anything required to be done under this enactment, every such difference shall be settled by an engineer to be appointed by the two engineers, or if they cannot agree upon a referee then by an engineer to be appointed by the Board of Trade, on the application of either party.

Repairs of
those works.

26. If by reason of any accident to or defect in the main pipes or other works of the company at or near such crossing any damage shall arise or be likely to arise to the said railway or any of the works thereof, and the company shall not forthwith repair the same, the London and North-western Railway Company may cause such repairs to be made, and recover the reasonable expenses thereof, with full costs, against the company, in any court of competent jurisdiction.

Compensa-
tion to
London and
North-
western
Railway
Company
in case of
injury.

27. If by reason of any works of the company, or the failure of any such works, the said railway or any of its works, or any lands or property belonging or leased to the London and North-western Railway Company, shall be injured or damaged, the company shall forthwith, at their expense in all things, make good such injury, or in the event of their failing to do so, then that company may make good the same, and recover from the company all expenses thereof; and if any interruption shall be occasioned to the traffic of that company by reason of any of the works or proceedings or failure of the works of the company, the company shall, on demand, pay to that company all costs and expenses to which they may be put, as well as full compensation for the loss sustained by them by reason of any such inter-

ruption, all such costs and expenses and compensation to be recovered against the company, with full costs, as aforesaid.

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28. The powers of the company for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

29. In addition to the lands, streams, and waters which the company are by this Act authorized to purchase compulsorily, they may, for any of the purposes of this Act, from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, any additional quantity of land not exceeding in the whole ten acres, or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for the purposes of this Act: Provided that, notwithstanding the exception in this section contained, the company may acquire a right to take the water of any spring in any case in which they would be entitled to the exclusive use of the whole water of such spring on purchasing the land in which the same arises.

Power to acquire additional lands by agreement.

30. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or release lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the company in fee, either absolutely or in consideration of any yearly or other rent, any lands, or any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorized to be purchased by the company, compulsorily or by agreement, and which the company from time to time think requisite for any of the purposes of this Act.

Owners may grant easements.

31. For the purposes of this Act, the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Application of Lands Clauses Act, 1860, to easements.

32. If the waterworks shall not be completed within seven years from the passing of this Act, then, on the expiration of that period, the powers of the company under this Act for making the works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that, subject to the provisions of this Act, the company from time to time may alter, enlarge, and extend their reservoir, tanks, gauges, gauge basins, engines, machinery, wells, mains, pipes, and other works in such way and manner as shall be necessary for supplying water for the purposes of this Act.

Period for completion of water-works.

33. The company shall cause or permit continuously to flow down the stream or brook called Dubbs Beck, as compensation water for the supply of the mills, manufactories, and other works

As to compensation to millowners and others.

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using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound, and take a quantity of water per day equal to the quantity of water which the company shall take for their own purposes from the reservoir No. 1 shown on the deposited plans, and which the company are by this Act authorized to construct upon Dubbs Beck aforesaid, and not being less on any day than fifty thousand gallons, and the company shall commence such discharge at the same time as they commence to take water from the said reservoir for their own purposes, and the company shall construct and for ever after maintain, within one hundred yards of the foot of the embankment of the said reservoir, a suitable measuring gauge or gauges for the purpose of measuring the respective quantities of water so taken and discharged: Provided always, that a plan of the proposed gauge or gauges shall be submitted to three of the owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, and occupying in the aggregate water power to the extent of eighty horse estimated power; and in case the said owners or occupiers shall, within seven days from the delivery of the said plan, object to the mode in which the company propose to construct the said gauge or gauges or to the place or places at which the company propose to construct the same, and differences shall arise thereupon, such differences, if not settled by mutual agreement shall be settled by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration; and in case two arbitrators are appointed, and they refuse or neglect to appoint an umpire, as provided by that Act, such umpire shall be appointed by the Board of Trade.

Water
supplied to
be taken
as full com-
pensation.

34. So long as the company shall cause or permit to flow down the said stream or brook called Dubbs Beck the compensation water provided for by this Act, the same shall be accepted and taken by the owners, lessees, and occupiers of all mills, manufactories, and other works, and by all other parties using or interested in the waters of Dubbs Beck aforesaid, below the said reservoir No. 1, shown on the deposited plans, as full compensation for all water which the company can impound or take under the powers of this Act.

Compensa-
tion water
need not be
discharged
in certain
events.

35. Provided always, that the company shall not be required to discharge from the said reservoir any quantity of water as compensation water at or for any time during which they shall be unable so to do, either by reason of any damage having happened to the said reservoir or the works connected therewith, or by reason of the same being emptied for cleansing or repairs, or from any other unavoidable cause; and the company shall also be released from their obligation to discharge any greater quantity of water as compensation than they for the time being take for

their own purposes, during such time as may be necessary to discontinue or diminish such discharge, in consequence of unusual drought or deficiency of water, on giving to the several owners or occupiers of the mills, manufactories, and other works, or to any three of them occupying in the aggregate water power to the extent of eighty-horse estimated power interested in the compensation water, fourteen days previous notice in writing of their intention to discontinue or diminish such discharge.

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36. If it shall appear to the said owners or occupiers of the mills, manufactories, or other works or to any three of them, occupying in the aggregate water power to the extent aforesaid, that the drought or deficiency of water is not such as to justify the company in giving such notice as is provided for in the last preceding section, or that the necessity for discontinuing or diminishing the discharge of the compensation water has ceased without the discharge thereof having been recommenced, they may require the company to continue or to recommence such discharge, notwithstanding their having given notice as aforesaid; and if the company shall not, within twenty-four hours of the receipt of such request and notice, signed by any three of the said owners or occupiers of mills, manufactories, or other works occupying in the aggregate water power to the extent aforesaid, either withdraw the notice or recommence the discharge, as the case may be, the difference between the company and the said owners or occupiers, and the damage done or loss sustained (if any) by reason of the company improperly refusing to withdraw the said notice or recommence the said discharge, as the case may be, and the compensation (if any) to be paid to the said owners or occupiers, shall be settled by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration; and in case two arbitrators are appointed, and they refuse or neglect to appoint an umpire, as provided by that Act, such umpire shall be appointed by the Board of Trade.

Disputes between Company and mill-owners to be settled by arbitration.

38. The owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound, under the provisions of this Act, may from time to time enter into and carry into effect agreements or arrangements with respect to all or any of the matters aforesaid in which the said owners or occupiers of mills, manufactories, and other works are interested, and any three of the said owners or occupiers of mills, manufactories, and other works occupying in the aggregate water power to the extent of eighty-horse estimated power, may sign and execute any such agreement or arrangement on behalf of themselves and the several owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound under the provisions of this Act.

Authorizing agreements between millowners and Company.

A.D. 1929.

WINDERMERE DISTRICT GAS AND WATER ACT 1889.

Power to
make and
maintain
waterworks.

28. Subject to the provisions of this Act the Company may make and maintain in and according to the lines and levels shown on the deposited plans and sections the reservoir enlargement reservoir embankments or walls road diversion conduit or lines of pipes and other works shown on the deposited plans which comprise the following works all situate in the township of Applethwaite in the parish of Windermere in the county of Westmorland (that is to say) :—

1. An embankment or wall in part upon and in part in extension of the present embankment or wall of the existing Dubbs Beck Reservoir of the Company (hereinafter called "Reservoir No. 1") for enlarging the area and depth of such reservoir;
2. A new road or alteration or diversion of the existing public road known as Dubbs Road commencing by a junction with Dubbs Road at a point thereon four chains or thereabouts measured in a northerly direction from the culvert conveying Dubbs Beck under Dubbs Road and terminating by a junction with Dubbs Road at a point thereon sixteen chains or thereabouts measured along Dubbs Road in a northerly direction from the said culvert;
3. An embankment or wall seven chains or thereabouts in length across the river Gowan at a point six chains or thereabouts measured in a north-westerly direction from Stubbings Bridge over the said river which said embankment or wall extends to a point four chains and a half or thereabouts measured in a south-westerly direction from the said river and to a point two chains and a half or thereabouts measured in a north-easterly direction from the said river;
4. A compensation reservoir (hereinafter called "Reservoir No. 2") commencing at and formed by the embankment or wall lastly hereinbefore described and terminating at a point twenty chains or thereabouts measured in a north-westerly direction from such embankment or wall;
5. A conduit or line of pipes commencing in Reservoir No. 2 near the embankment or wall forming the same hereinbefore described and terminating at Stubbings Bridge;

Together with all necessary and proper embankments dams channels basins bye-washes weirs culverts tunnels cuts adits bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds filters wells weirs engines engine houses and other buildings pumps conduits,

A.D. 1929.

catch-waters tanks mains pipes gauges and other works apparatus and conveniences for the effectual construction maintenance and use of the said intended works or incidental thereto for obtaining collecting impounding filtering treating storing conveying and distributing water and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for any of the purposes aforesaid and may subject to the provisions of this Act take divert and collect and impound appropriate and use for the purposes of this Act the water of the brooks or streams called Dubbs Beck and the river Gowan and of the several tributaries of the said brooks or streams and all other brooks streams springs and waters shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by the waterworks or which now directly or derivatively flow or proceed into or supply the said brooks or streams or which can or may be intercepted or abstracted by means of the waterworks and all waters found in or under any of the lands taken by them for the purposes of Reservoir No. 1 and Reservoir No. 2 or either of them.

29. Whereas before the passing of this Act the occupiers of the mills manufactories and other works using the waters of Dubbs Beck derived protection from section 33 of the Act of 1869 the provisions of which section are affected by this Act and from section 37 of the Act of 1869 which section is repealed by this Act but such occupiers after the passing of this Act will derive sufficient protection if the works hereinafter in this section specified be made and maintained as in this section provided Therefore for the protection of such occupiers respectively be it enacted that the works by this Act authorized and shown on the deposited plans and in the section of this Act whereof the marginal note is "power to make and maintain waterworks" thirdly fourthly and fifthly particularly described shall be completed by the company within five years from the passing of this Act and shall after completion thereof be maintained by the company.

Construction of Reservoir No. 2 &c. within five years compulsory.

30. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the water undertaking of the company as if they had been authorized by and included or referred to in the Act of 1869.

New water-works to form part of the water undertaking of the Company.

31. In making the works by this Act authorized the company may deviate laterally from the lines shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards

Lateral and vertical deviation.

A.D. 1929.

Provided always that the company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition.

Power to take easements &c. by agreement.

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

Period for compulsory purchase of lands.

33. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

34. If the works by this Act authorized and shown on the deposited plans and in the section of this Act whereof the marginal note is "power to make and maintain waterworks" firstly and secondly particularly described are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the company for executing any such work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed and if the works by this Act authorized and shown on the deposited plans and in the said section of this Act thirdly fourthly and fifthly particularly described are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the company for executing any such work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section shall restrict the company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite.

On completion of new road site of existing road to vest in company.

39. Upon the completion to the satisfaction of two justices of the new road by this Act authorized and the opening of the same for public use the company may stop up and extinguish all rights of way over the portion of Dubbs Road between the commencement and termination of such new road and may appropriate to and for their own use and as their own property the site and soil of the portion of Dubbs Road so

stopped up if and so far as they shall be the owners of the adjoining land on both sides. A.D. 1929.

40. The company shall not take or use for their own purposes any water from Reservoir No. 2 by this Act authorized to be made. Company not to use water of Reservoir No.

41. From and after such time as Reservoir No. 2 and the conduit or line of pipes by this Act authorized to be made shall be completed the following provisions shall have effect (that is to say): Compensation water.

- (1) Anything in section 33 of the Act of 1869 contained to the contrary notwithstanding the company shall not be liable or compellable to cause or permit any water to flow down the stream or brook called "Dubbs Beck" from Reservoir No. 1;
- (2) In place of giving the compensation water provided for by section 33 of the Act of 1869 the company shall at the times and in the quantities hereinafter provided cause or permit water to flow down the river Gowan from Reservoir No. 2 as compensation water for the supply of the mills manufactories and other works and for the conservators of the Kent Bela Winster Leven and Duddon Fishery District using or interested in the waters of Dubbs Beck or any of the waters which the company are authorized to impound and take And at the times and in the quantities hereinafter provided supply water for cattle and sheep watering and to the Dubbs Beck sheepwash;
- (3) The company shall whenever and so long as there shall be sufficient water in Reservoir No. 2 so to do cause or permit water to flow as aforesaid from such reservoir continuously and in quantity not less than one hundred thousand gallons in any day of twenty-four hours except during such periods from time to time as six of the occupiers of the mills manufactories and other works using the waters of Dubbs Beck and occupying in the aggregate water power to the extent of one hundred and sixty horse estimated power shall specify by notice in writing signed by them and delivered to the secretary of the company at the Company's office during which periods some persons or person appointed by such six occupiers and whose names and addresses or name and address shall have been communicated in writing by such occupiers to the said secretary at the said office shall at the expense of such occupiers regulate the flow down the river Gowan of water from Reservoir No. 2 Provided that nothing hereinbefore contained shall

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- enable or authorize the company or such occupiers to reduce such continuous flow of water as aforesaid below fifty thousand gallons in every day of twenty-four hours;
- (4) The company shall construct and maintain within one hundred yards of the foot of the embankment or wall of Reservoir No. 2 a suitable measuring gauge for the purpose of measuring the quantity of water caused or permitted to flow down the river Gowan from Reservoir No. 2;
 - (5) Before the company shall construct such gauge they shall submit a plan thereof to six of the occupiers of the mills manufactories and other works using the waters of Dubbs Beck and occupying in the aggregate water power to the extent of eighty horse estimated power and in case the said occupiers shall within seven days from the delivery of the said plan object to the mode in which the company propose to construct the said gauge or to the place at which the company propose to construct the same and differences shall arise thereupon such differences if not settled by mutual agreement shall be settled by arbitration in the manner provided by the Companies Clauses Consolidation Act. 1845 with respect to the settlement of disputes by arbitration and in case two arbitrators are appointed and they refuse or neglect to appoint an umpire as provided by that Act such umpire shall be appointed by the Board of Trade;
 - (6) The company shall on or adjacent to the site of the now existing cattle and sheep watering place at the Dubbs Beck sheepwash adjacent to Dubbs Road erect and maintain and keep constantly supplied with a sufficient quantity of suitable water a convenient trough for the watering of cattle and sheep;
 - (7) The company shall from time to time between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of any day between the twelfth day of May and the first day of July (both days inclusive) in every year whilst sheep washing shall be going on at Dubbs Beck sheepwash aforesaid by any person or persons entitled to use such sheepwash supply so much water to the said sheepwash as shall together with any water then flowing through such sheepwash raise the rate of the total flow of water through the sheepwash to one thousand gallons per hour;
 - (8) Whenever and so long as the company shall cause or permit water to flow down the river Gowan and shall supply water for cattle and sheep watering and to

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the Dubbs Beck sheepwash in accordance with the provisions of this section such water shall be accepted and taken by the owners lessees and occupiers of all mills manufactories and other works and by all other parties using or interested in the waters of Dubbs Beck below Reservoir No. 1 as full compensation for all water which the company can impound or take under the powers of the Act of 1869 or this Act;

- (9) Provided always that the company shall not be required to cause or permit water to flow from Reservoir No. 2 in accordance with the foregoing provisions of this section at or for any time during which they shall be unable so to do either by reason of damage having happened to the said reservoir or conduit or line of pipes or the works connected therewith respectively or by reason of the same being emptied for cleansing or repairs or from any other unavoidable cause.

42. In the event of the flow of water down Dubbs Beck being by the exercise of the powers of the company under this Act so reduced as at any time to be insufficient for the watering of the cattle and sheep of any occupier of land adjacent to Dubbs Beck between Reservoirs No. 1 and No. 2 the company shall make other sufficient provision for the watering of the cattle and sheep upon his land and in or adjacent to the said Beck.

For providing water for cattle between the reservoirs.

WINDERMERE DISTRICT GAS AND WATER ACT 1912.

19. Subject to the provisions of this Act and for the purposes of the waterworks the company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to acquire lands.

20. The powers of the company for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

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

Persons under disability may grant easements &c.

23.—(1) The company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement

Byelaws for preventing waste &c. of water.

A.D. 1929.

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

(2) Such bye-laws shall apply only in the case of premises to which the company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) All such bye-laws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such bye-laws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the company were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the company All persons may at all reasonable times inspect such copy without payment and the company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

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

Provided that the company may until any byelaws under this section shall have been made and confirmed as in this section provided enforce any regulations made under section 50 of the Act of 1869 and which at the date of the passing of this Act were in force.

Power to
supply gas
fittings &c.

24.—(1) The company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy

for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the company as the actual owners thereof. A.D. 1929.

27. Subject to the provisions of this Act the company may make and maintain in the situations and according to the lines and levels shown on the deposited plans and sections the works hereinafter described and other the works shown on the deposited plans. All the said works will be situate in the parish of Windermere in the County of Westmorland and comprise—

Power to make and maintain waterworks.

Work No. 1. An impounding reservoir (to be called "Reservoir No. 3") to be formed by means of a dam or embankment across Dubbs Beck at a point thereon 134 yards or thereabouts above the point at which such beck enters the existing reservoir known as "Dubbs Reservoir" and to extend for a distance of 237 yards or thereabouts from the said dam or embankment measured in a northerly direction up Dubbs Beck. The said dam or embankment to commence at a point near the western side of Dubbs Road 110 yards or thereabouts measured in a southerly direction from the north-east corner of the enclosure numbered 156 on the 1/2500 scale Ordnance map (second edition 1898) for the Parish of Windermere (in this section and hereinafter called "the Ordnance map") and to terminate at a point 120 yards or thereabouts measured in a south-easterly direction from the north-west corner of the enclosure numbered 151 on the Ordnance map;

Work No. 2. A dam or embankment in part upon and in part in extension of the dam or embankment lastly hereinbefore described for the purpose of enlarging the area and depth of Reservoir No. 3 such dam or embankment to commence at a point near the western side of Dubbs Road 14 yards or thereabouts measured in a north-westerly direction from the south-east corner of the enclosure numbered 63 on the Ordnance map and to be continued for a distance of 110 yards or thereabouts parallel with Dubbs Road thence in a westerly direction for a distance of 230 yards or thereabouts and to terminate in the enclosure numbered 151 on the Ordnance map at a point 90 yards or thereabouts in a south-easterly direction from the north-west corner of the said enclosure numbered 151 and which reservoir when enlarged will extend for a distance of 287 yards or thereabouts from the said dam measured in a northerly direction up Dubbs Beck;

A.D. 1929.

Work No. 3. A road (to be called "Road No. 1") to commence by a junction with Dubbs Road at the south-east corner of the enclosure numbered 156 on the Ordnance map and terminating at a point 130 yards or thereabouts measured in a southerly direction from the south-east corner of the enclosure numbered 150 on the Ordnance map;

Work No. 4. A conduit (to be called "Conduit No. 1") consisting of one or more lines of pipes to commence at or in Reservoir No. 3 by this Act authorised and terminating at its junction with the existing line of pipes in Dubbs Road at a point 27 yards or thereabouts measured in a southerly direction from the south-west corner of the enclosure numbered 158 on the Ordnance map;

Work No. 5. A conduit (to be called "Conduit No. 2") consisting of one or more lines of pipes to commence by a junction with Conduit No. 1 by this Act authorised at a point in Dubbs Road 17 yards or thereabouts measured in a northerly direction from the south-east corner of the enclosure numbered 152 on the Ordnance map and terminating at a point 20 yards or thereabouts from the said point of junction measured in a westerly direction;

Work No. 6. A conduit (to be called "Conduit No. 3") consisting of one or more lines of pipes to commence at a point 11 yards or thereabouts measured in a northerly direction from the southernmost corner of the enclosure numbered 154 on the Ordnance map and terminating by a junction with Conduit No. 1 by this Act authorised at a point in Dubbs Road 5 yards or thereabouts measured in a westerly direction from the south-westerly corner of the enclosure numbered 158 on the Ordnance map;

Work No. 7. A road (to be called "Road No. 2") to commence by a junction with Dubbs Road at a point 30 yards or thereabouts measured in a northerly direction from the south-east corner of the enclosure numbered 152 on the Ordnance map and terminating at a point 34 yards or thereabouts measured in a westerly direction from the southernmost corner of the said enclosure numbered 154;

Work No. 8. A diversion of the stream known as Dubbs Beck to commence at or in the dam or embankment of the Dubbs Reservoir and to terminate at a point on the Dubbs Beck where such beck flows beneath the boundary wall of the sheep-wash enclosure (part of

enclosure numbered 165 on the Ordnance map) at a point 9 yards or thereabouts measured in a westerly direction from the north-easterly corner of the said sheep-wash enclosure.

A.D. 1929.

28. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such roads shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say) :—

Limits of deviation.

The Company shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition ;

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

29. If the works described in and authorised by the section of this Act of which the marginal note is " Power to make and maintain waterworks " and shown on the deposited plans and sections are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for executing any such work shall (subject as hereinafter provided) cease except as to so much thereof as shall then be completed Provided that if within the said period Work No. 1 (Reservoir No. 3) by this Act authorised be completed the Company may at any time thereafter carry out and complete Work No. 2 by this Act authorized and that nothing in this section shall restrict the company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite.

Period for completion of works.

30. The company may in connection with their waterworks on the lands described in the deposited plans construct and maintain all necessary and proper embankments dams channels basins byewashes weirs culverts tunnels cuts adits bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds filters filtered-water tanks wells waste-water channels fences engines engine-houses and other buildings pumps conduits catchwaters tanks mains pipes gauges junctions valves telegraphs telephones houses and other works apparatus and conveniences for effectually

Power to make additional works.

A.D. 1929. constructing maintaining inspecting enlarging repairing cleansing
conducting managing working and using the waterworks or
other works incidental thereto for obtaining collecting impounding
filtering treating storing conveying and distributing water and
also watering troughs and pipes leading thereto for the purpose
of giving supplies of water for cattle and sheep in any inclosures
where access to Dubbs Beck may be cut off by their waterworks
or any of them Provided that no telegraphs telephones or
appliances made or maintained by the company under the
authority of this section shall be used for transmitting telegrams
which are within the exclusive privilege conferred upon the
Postmaster-General by the Telegraph Act 1869.

New water-
works to
form part of
water
undertaking
of Company.

31. Subject to the provisions of this Act the waterworks
to be constructed under the authority of this Act shall for all
purposes whatsoever inclusive of water rents rates and charges
be deemed part of the water undertaking of the company as if
they had been authorized by and included or referred to in the
Act of 1869 and the Act of 1889.

Power to
take waters.

32. The company may subject to the provisions of this Act
take divert and collect and impound appropriate and use for the
purposes of their waterworks the water of the brook or stream
called Dubbs Beck and of the several tributaries of the said
brook or stream and all other brooks streams springs and waters
shown or mentioned on the deposited plans as intended to be
intercepted or otherwise taken by the waterworks by this Act
authorised or which now directly or derivatively flow or proceed
into or supply the said brook or stream or which can or may be
intercepted or abstracted by means of the waterworks and all
waters found in or under any of the lands taken by them for the
purposes of the waterworks under the powers of this Act.

As to com-
pensation
water.

33. Whenever and so long as the Company shall cause or
permit water to flow down the River Gowan and shall supply
water for cattle and sheep watering and to the Dubbs Beck
sheep-wash in accordance with the provisions of section 41
of the Act of 1889 (Compensation water) such water shall be
accepted and taken by the owners lessees and occupiers of all
mills manufactories and other works and by all other parties
using or interested in the waters of Dubbs Beck below Reservoir
No. 3 by this Act authorized as full compensation for all water
which the Company can impound or take under the powers of
this Act :

Provided that before they shall impound any water by
means of the said Reservoir No. 3 the company at their own
expense shall and they are hereby authorized to raise by six
inches the existing stone and concrete bed of the byewash of
Reservoir No. 2 by the Act of 1889 authorized and shall and
they are hereby authorized to raise the embankment of the
said Reservoir No. 2 and the pitching on the face thereof to and

shall thereafter maintain the same at such a level that the top water level of the said Reservoir No. 2 may be raised to the extent of six inches above the top water level of the said Reservoir No. 2 as constructed at the date of the passing of this Act.

A.D. 1929.

34. In the event of the flow of water down Dubbs Beck being by the exercise of the powers of the Company under this Act so reduced as at any time to be insufficient for the watering of the cattle and sheep of any occupier of land adjacent to Dubbs Beck between Reservoirs No. 1 and No. 2 by the Act of 1889 authorized the Company shall make other sufficient provision for the watering of the cattle and sheep upon his land and in or adjacent to the said beck.

For providing water for cattle between reservoirs.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

URBAN DISTRICT OF WINDERMERE.

By virtue of the Windermere Urban District Council Act 1929 and of other their powers in that behalf them enabling the urban district council of Windermere (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the district by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council in the said district [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended

[Ch. lii.] *Windermere Urban* [19 & 20 GEO. 5.]
District Council Act, 1929.

A.D. 1929. — to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of
nineteen hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named
consenting the within-mentioned time for repayment of the
within-mentioned principal sum of .
is hereby extended to the day of
nineteen hundred and [and the interest to be paid thereon
on and from the day of nineteen hundred
and is hereby declared to be at the rate of
per centum per annum.]

Dated this day of nineteen hundred
and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
of in consideration of the sum
of pounds paid to me by
of of
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee [his] executors administrators and assigns
[the within-written security] [the mortgage number
of the revenues of the urban district council of Windermere
bearing date the day of]
and all my right and interest under the same subject to the
several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors
administrators and assigns do hereby agree to take the said
mortgage security subject to the same conditions.

Dated this day of
nineteen hundred and .

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