



CHAPTER xlvi.

An Act to confer further powers on the Epsom Urban District Council in regard to their water and electricity undertakings and for other purposes. A.D. 1931.
[8th July 1931.]

WHEREAS the urban district of Epsom in the county of Surrey (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Epsom (in this Act called "the Council"):

And whereas the Council have under the powers of the Public Health Act 1875 provided a water supply for the district and it is expedient that further powers should be conferred upon the Council in respect thereto:

And whereas it is expedient that further powers as in this Act contained should be conferred upon the Council with respect to their electricity undertaking:

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

A.D. 1931.

—

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Epsom Urban District Council Act 1931.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Electricity.

Part IV.—Lands.

Part V.—Financial.

Part VI.—Miscellaneous.

Incorporation of
Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands are incorporated with and form part of this Act.

Interpre-
tation.

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

“ The Council ” means the Epsom Urban District Council ;

“ The district ” means the urban district of Epsom ;

“ The water undertaking ” means the water undertaking of the Council ;

“ The electricity undertaking ” means the electricity undertaking of the Council ;

“ The clerk ” “ the treasurer ” and “ the surveyor ” mean respectively the clerk the treasurer and

the surveyor of the council and respectively A.D. 1931.
include any person duly authorised to discharge
temporarily the duties of those officers;

- “ The Minister ” means the Minister of Health ;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction thereof ;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the district ;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council ;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed ;
- “ The revenues of the Council ” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being belonging to the Council and the rates or contributions leviable by or on the order or precept of the Council.

A.D. 1931.

PART II.

WATER.

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

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

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

6.—(1) The Council shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.

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

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

Rates
payable by
owners of
small
houses.

7. Where a house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and

may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. A.D. 1931.
—

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

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

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

- (a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Council.

11.—(1) Notwithstanding anything in this or any other Act relating to the Council contained a person shall not be entitled to demand or continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with Special terms for supplies to caravans &c.

A.D. 1931. — the Council to take a supply of water by meter and to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

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

Discount
for prompt
payment of
water rates.

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

Period of
error in
defective
meters.

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

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

14. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. A.D. 1931.
Power to sell meters.

15. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings. Notice to Council of connecting or disconnecting meters.

16.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

A.D. 1931.
—

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to
supply
water
fittings.

17.—(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 moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

A.D. 1931.

- (b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

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

Notice of discontinuance.

19.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

Byelaws for preventing waste &c. of water.

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

(3) In case of failure of any persons to observe such byelaws as are for the time being in force the Council

A.D. 1931. — may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Meters in streets to measure water or detect waste.

20.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that the Council shall not exercise the powers of this section in respect of any street or apparatus belonging to or maintained by a railway company without the previous consent of such company but such consent shall not be unreasonably withheld and any difference which may arise between such company and the Council as to whether such consent is in any case unreasonably withheld shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

Separate communication pipes may be required.

21.—(1) The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt. A.D. 1931.

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

23:—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Council to repair communication pipes.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable

A.D. 1931.

by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

24. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

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

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

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

Power to remove meters and fittings.

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

27. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

A.D. 1931.
—
Penalty for closing valves and apparatus.

28. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for interfering with valves &c.

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

Extension of power to inspect premises.

30. Subject to the provisions of this Act the provisions of the Public Health Acts shall apply to the supply of water by the Council.

Water undertaking to be carried on under Public Health Acts.

31. Nothing contained in this Part of this Act shall in any way affect the agreements made between the Council of the one part and the asylums committee of the London County Council of the other part dated respectively the seventeenth day of May one thousand nine hundred and four and the fourth day of July one

Saving for London County Council.

A.D. 1931. — thousand nine hundred and six relating to the supply of water to the Horton Estate of the London County Council at Epsom.

PART III.

ELECTRICITY.

Agree-
ments for
supply of
electricity.

32. Notwithstanding anything in any Act or Order relating to the Council or their electricity undertaking the Council on the one hand and any authority company body or person to whom the Council are authorised to supply electricity other than authorised distributors on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Council to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Council may supply electricity accordingly Provided that the Council shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Power to
construct
electrical
sub-stations
under
streets.

33. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Epsom Electric Lighting Order 1897 the Council may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Council the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Council may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided also that the Council shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment pier or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld (b) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company. A.D. 1931.

34. The Council may upon the application of the owner or occupier of any premises within the district abutting on or being erected in any street laid out or made and whether dedicated to the public use or not lay down place take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing a supply of electricity to such premises and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the Epsom Electric Lighting Order 1897 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Council under the provisions of this section Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Council in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street. Power to lay electric mains in private streets.

35.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Council to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such Further powers as to entry upon premises.

A.D. 1931. — contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Council to any premises which he is entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The Council shall not under the powers of this section cut off or discontinue the supply of electricity to any premises of a railway company (not being a dwelling-house) until after they have given to the company reasonable notice of their intention to do so.

As to
maximum
power which
may be
demanded.

36.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

37. The powers of the Council under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Council for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Council or supplied by them on hire purchase terms and which the Council are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Council may from time to time determine.

A.D. 1931.

—
Power to cut off supplies where charges &c. not wholly paid.

38.—(1) No consumer to whom electricity is supplied by the Council shall without the consent in writing of the Council use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Council for any other purpose.

Use for lighting purposes of electricity supplied for power.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Council at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Council shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Council shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Council.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric

A.D. 1931. — Lighting Act 1909 shall apply to any person whom the Council have reasonable grounds for believing to be acting contrary to the provisions of this section.

As to use
of trans-
formers.

39. Where a separate transformer is provided at the expense of the Council for the purpose of affording a supply of electricity to any consumer the Council may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Period of
error in
defective
meters.

40.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

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

Power to
recover
cost of
cutting off
supplies.

41. In any case in which the Council lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Council.

Notice to
discontinue
supply of
electricity.

42.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the Council.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

43. The Council may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings. Provided that such charges shall not exceed the sum of two shillings for each reading.

A.D. 1931.

—
Charges for special readings of electricity meters.

44.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement—

Provisions as to supply of electricity by agreement.

- (a) the Council may if they think fit discontinue to supply electricity to such consumer;
- (b) the consumer shall in respect of all the electricity supplied to him by the Council within one year previous to the date of any demand in that behalf made upon him by the Council (whether they determine to discontinue the supply or not) be liable to pay to the Council at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and
- (c) the Council in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—
 - (i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and
 - (ii) the consumer has paid to the Council the sum payable by him pursuant to the foregoing paragraph (b):

Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are

A.D. 1931. — required to supply energy within the meaning of section 23 (Penalty for failure to supply) of the Epsom Electric Lighting Order 1897 and the provisions of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Council fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws
as to
apparatus
and fittings.

45.—(1) The Council may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Council with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity to any building or premises in which such byelaws are not complied with.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

Service of
electricity
demand
notes.

46. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Receipts
and
expenses.

47.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be

expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. A.D. 1931.
—

(2) Any moneys received by the Council under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART IV.

LANDS.

48.—(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 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. Further powers for acquisition of lands.

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

49.—(1) 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 Retention and disposal of lands.

A.D. 1931. or any general or local Act for the time being in force in the district (other than the Housing Act 1925) 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 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.

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

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

Proceeds
of sale of
surplus
lands.

50.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the

Council shall apply the same in or towards the extinguish- A.D. 1931.
ment 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.

(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.

PART V.

FINANCIAL.

51.—(1) The Council may from time to time Power to
borrow. independently of any other borrowing power borrow at
interest the sum requisite for the purpose of paying the
costs charges and expenses referred to in the section of this
Act of which the marginal note is "Costs of Act" and
in order to secure the repayment thereof and the payment
of interest thereon they may mortgage or charge the
revenues of the Council and they shall pay off all moneys
so borrowed within five years from the passing of this Act.

(2) (a) The Council may also with the consent of the
Minister borrow such further money as may be necessary
for any of the purposes of Part II (Water) of this Act
and may with the consent of the Electricity Commis-
sioners borrow such further money as may be necessary
for any of the purposes of Part III (Electricity) of this
Act and may with the consent of the Minister borrow
such further money as may be necessary for any of the
other 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.

(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 or Commissioners with whose consent it is
borrowed and that period shall be the prescribed period

A.D. 1931. — for the purposes of this Act and the enactments incorporated therewith or applied thereto.

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

Mode of raising money.

52. 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.

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

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

Application of moneys borrowed.

54. All moneys borrowed by the Council under any statutory borrowing power shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Council not to regard trusts.

55. The Council shall not be bound to see to the execution of any trust whether express or 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 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 on their register.

Protection of lender from inquiry.

56. A person lending any moneys to the Council shall not be bound to inquire as to the observance by the Council of any 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.

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

A.D. 1931.
—
Mode of
payment
off of
money
borrowed.

58.—(1) The Council shall have power—

Power to
re-borrow.

(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.

(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.

A.D. 1931.

—
Power to
use one
form of
mortgage
for all
purposes.

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

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

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

(4) 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.

(5) 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.

(6) 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.

(7) 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 First Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever. A.D. 1931.

(8) 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.

(9) 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.

(10) 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.

60.—(1) In addition to any other form of borrowing the Council may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "council bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to borrow by issue of bonds.

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

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

A.D. 1931. — power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Council.

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

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

Scheme for
equated
periods.

61.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and

if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings. A.D. 1931.

(5) The Council may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sum as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

62. 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 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. Evidence of transfer or transmission of securities.

63. 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.

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.

A.D. 1931.

—
Interest on
mortgages
held
jointly.

65. 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 by any other of them.

Return to
Minister
with respect
to repay-
ment of
debt.

66.—(1) The clerk shall if and when he is requested by 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.

(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. A.D. 1931.
—

67.—(1) Subject to the provisions of subsection (2) of this section all money received by the Council (including the income arising from the investment of any reserve fund) on account of the revenue of any undertaking for the time being of the Council from which revenue is derived shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking in the same year shall be paid out of that fund. Revenue and expenses of trading undertakings.

(2) Nothing contained in this section shall be deemed to authorise the Council to apply or dispose of the net surplus remaining in any year and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) The Council may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

68.—(1) As from the first day of April one thousand nine hundred and thirty-two 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 each of the undertakings referred to in the section of this Act of which the marginal note is "Revenue and expenses of trading undertakings" (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) 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 Separate accounts to be kept.

A.D. 1931. 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 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 for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain.

(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 as far as may be reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Reserve
fund.

69.—(1) The Council may (if they think fit) provide a reserve fund in respect of the water undertaking and the electricity 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 (with power to vary and transpose such investments) 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 for the time being by the Council on the undertaking in respect of which such fund is formed. A.D. 1931.

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

(3) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the general rate fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) A reserve fund 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 the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) 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.

70. If a justice is satisfied on complaint by any rate collector of the Council that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue Recovery of rate from persons removing.

A.D. 1931. a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Expenses of execution of Act.

71. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the general rate fund and general rate.

PART VI.

MISCELLANEOUS.

Acceptance of gifts of property.

72.—(1) Subject to the provisions of this section the Council may accept hold and administer any gift of property whether real or personal for any public purpose connected with the district and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Council are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend moneys so raised in the execution of such works in relation to the subject matter of the trust.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Council under this section shall be kept by the chief accounting officer of the Council and shall be made up and audited as part of the general accounts of the Council.

Byelaws for baths and bathing pools.

73. The Council may make and enforce byelaws for the management use and regulation of the open and covered swimming and other baths and bathing pools belonging to them and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions

of this Act shall extend and apply to such baths and bathing pools and the Council may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make. A.D. 1931.

74. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or bathing pool such sums for the exclusive use of such bathing place or pool or for admission of persons thereto as they may think fit. Use of swimming baths &c. for swimming contests &c.

75. The Council may by agreement supply water or electricity to any house building or premises which or the curtilage of which is partly within and partly outside the district in the same manner as if such premises were wholly within the district : Supply to premises partly without district.

Provided that nothing in this section shall authorise the Council to supply electricity within any area of supply in which the South Metropolitan Electric Tramways and Lighting Company Limited are at the date of the passing of this Act authorised to supply electricity.

76. Every person who shall on Sundays in any street or public place in the district call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for Sunday trading.

77. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such Evidence of appointments authority &c.

A.D. 1931. — appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Council.

78. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence.

79. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Appointment of deputies of certain officers.

80. The Council may from time to time appoint fit and proper persons to be deputy clerk deputy treasurer deputy medical officer of health and deputy surveyor of the district respectively during their pleasure and all things required or authorised by law to be done by or to the clerk treasurer medical officer or the surveyor may (in their absence or illness or during any vacancy in their appointments) be done by or to the deputy clerk

deputy treasurer deputy medical officer of health and the deputy surveyor so appointed respectively. A.D. 1931.

81. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons.

82.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authenti-
cation and
service of
notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

83. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council. Consents of
Council to
be in
writing.

84. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery
of penalties
&c.

A.D. 1931.

Penalties
to be paid
over to
treasurer.

85. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general rate fund or to such other fund as the Council shall direct.

Compensa-
tion how to
be deter-
mined.

86. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers of
Act cumu-
lative.

87. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving for
indictment
&c.

88. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Inquiries by
Minister.

89.—(1) The Minister 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 Ministry 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 Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister any expenses incurred by the 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 Minister not exceeding five guineas a day for the services of such inspector. A.D. 1931.

90. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

91. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act or Order from time to time in force within the district by reason of his being liable to any rate. Judges not disqualified.

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

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

A.D. 1931.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

FORM OF MORTGAGE.**URBAN DISTRICT OF EPSOM.**

By virtue of the Epsom Urban District Council Act 1931 and of other their powers in that behalf them enabling the urban district council of Epsom (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 Council by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the 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 _____ one thousand nine 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 urban district council of Epsom [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the urban district council of Epsom to the mortgagee or by the mortgagee to the urban district council of Epsom] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the urban district council of Epsom and the mortgagee and mentioned in an endorsement to be made hereon under

A.D. 1931.

SECOND SCHEDULE.

PROVISIONS WITH REGARD TO COUNCIL BONDS.

1. Bonds shall be secured on the revenues of the Council and any moneys borrowed by means of bonds shall be principal moneys.

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

3. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

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

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

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

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

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

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

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

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

6.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and

specifying the denomination of the bond and the period for which it is issued, A.D. 1931.

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

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

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

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

No.....

URBAN DISTRICT OF EPSOM.

EPSOM COUNCIL BONDS.

....per centum Epsom Council bond repayable at par....19....
 at the

This is to certify that.....of
 is the registered holder of an urban
 district council of Epsom bond for.....pounds (£.....)
 issued by the Council under the Epsom Urban District Council
 Act 1931 at.....

(Signed).....

Treasurer to the Council.

Date.....

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

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

FORM OF DEED OF TRANSFER.

EPSOM COUNCIL BONDS.

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

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held

A.D. 1931. the same immediately before the execution hereof and I the
— said transferee do hereby agree to accept and take the said
.....subject to the conditions aforesaid.

As witness our hands and seals this.....day of.....in
the year of our Lord one thousand nine hundred and.....

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

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

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

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

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

9. The Council may close the register for a period not
exceeding thirty days immediately before the thirty-first day of
March and the thirtieth day of September in any year respectively
and notwithstanding the receipt by the Council during those
periods of any deed of transfer the half-yearly payment of interest
next falling due may be made to the persons registered as holders
of bonds on the date of the closing of the register.

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

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

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

11.—(1) Unless the owner of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Council of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

12. The Council shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

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

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

15. No notice of any trust shall be entered in the register or in any other book kept by the Council or be receivable by the Council.

16.—(1) If at any time interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Council or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

