



CHAPTER xxx.

An Act to authorise the mayor aldermen and bur-
gesses of the borough of Bridgwater to abandon
certain waterworks authorised by the Bridgwater
Corporation Act 1928 and to construct new
waterworks and for other purposes.

A.D. 1932.

[16th June 1932.]

WHEREAS the borough of Bridgwater in the county
of Somerset is a municipal borough under the
government of the mayor aldermen and burgesses of
the borough of Bridgwater (in this Act called "the
Corporation") :

And whereas the Corporation are the owners of
waterworks and supply water within the borough and
in certain adjoining and neighbouring parishes :

And whereas by the Bridgwater Corporation Act
1928 the Corporation were empowered to construct
and maintain certain additional waterworks :

And whereas the Corporation are now advised
that the supply of water to be derived from the said
additional waterworks will be insufficient and un-
satisfactory and it is therefore expedient that the
Corporation be authorised to abandon the construction
of the said additional waterworks and empowered
to construct and maintain the works in this Act
mentioned :

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And whereas an agreement (set forth in the schedule to this Act) has been entered into between the Corporation and the rural district council of Bridgwater (in this Act called "the rural council") for the supply of water in bulk by the Corporation to the rural council and it is expedient that the said agreement be confirmed and carried into effect as by this Act provided :

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

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

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

The construction of the Works Nos. 5 and 7 authorised by this Act	£ 12,000
The construction of the other works authorised by this Act	4,416
The construction of pumping buildings and machinery and gravity filters	9,074
The construction of pumping and high pressure mains	9,200
Additional mains and service pipes and other purposes in connection with the supply of water by the Corporation	5,000

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

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

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

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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 :—

1. This Act may be cited as the *Bridgwater Corporation Act 1932.* Short title.

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

The Lands Clauses Acts :

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

The Waterworks Clauses Acts 1847 and 1863 except the words " with the consent in writing " of the owner or reputed owner of any such " house or of the agent of such owner " in section 44 of the said Act of 1847 and except sections 75 to 82 of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act relating to accounts Provided that section 7 of that Act shall for the purpose of its incorporation with this Act have effect as if the words " clerk of the county council " were substituted for the words " clerk of the peace " ;

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

3.—(1) The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall in this Act have the same Interpretation.

A.D. 1932. — 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 Corporation” means the mayor aldermen and burgesses of the borough of Bridgwater;

“The borough” means the borough of Bridgwater;

“The rural district” and “the rural council” mean respectively the rural district of Bridgwater and the rural district council of that district;

“The Act of 1928” means the Bridgwater Corporation Act 1928;

“The Lands Clauses Acts” “the tribunal” “the water undertaking” “the water limits” “the general rate fund” “the general rate” “statutory security” “statutory borrowing power” and “revenues of the Corporation” have the respective meanings assigned to them by section 4 of the Act of 1928.

(2) For the purposes of this Act the expressions “the promoters of the undertaking” “the company” and “the undertakers” in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Corporation and in the Railways Clauses Consolidation Act 1845 the expression “the railway” shall be construed to mean the works by this Act authorised and the expression “the centre of the railway” shall be construed to mean in the case of a reservoir the boundary of that reservoir and in the case of any other work the centre of that work.

Abandonment of waterworks authorised by Act of 1928.

4. The Corporation may and shall abandon and relinquish the construction of the waterworks (Works Nos. 1 to 7 inclusive) authorised by the Act of 1928 and described in section 60 (Power to make waterworks) of that Act.

Repeal of sections of Act of 1928.

5. The following sections of the Act of 1928 are hereby repealed (namely):—

Section 60 (Power to make waterworks);

Section 61 (Limits of deviation for waterworks);

- Section 62 (Period for completion of works under this Part of this Act); A.D. 1932. —
- Section 63 (Power to take waters);
- Section 64 (Power to agree as to drainage of lands &c.);
- Section 66 (Limiting powers of Corporation to abstract water);
- Section 67 (For protection of county council);
- Section 68 (For protection of rural council);
- Section 69 (Waterworks to form part of water undertaking);
- Section 103 (Power to acquire lands for street works waterworks and other purposes) so far as it relates to the acquisition of lands for the construction of waterworks or otherwise in connection with the water undertaking;
- Section 104 (Power to acquire further lands for waterworks undertaking);
- Section 105 (Acquisition of easements);
- Section 236 (Power to borrow) so far as it relates to the borrowing of money for or in connection with waterworks or the water undertaking;
- Section 237 (Power for rural council to borrow).

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

Power to
make
works.

Work No. 1 A weir intake and overflow in the parish of Charlinch (detached) to be constructed in or across the Currypool stream at a point eighty feet or thereabouts measured in a northerly direction from the southern corner of enclosure numbered 54 in the said parish on the 1/2500 Ordnance map Somerset (second edition 1904) sheet XLIX-12;

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Work No. 2 An aqueduct conduit line or lines of pipes (not exceeding two in number) in the parish of Charlinch (detached) commencing at or in Work No. 1 and terminating at or in Work No. 3 hereinafter described;

Work No. 3 A weir intake and overflow in the parish of Charlinch (detached) in or across the mill leat from the Currypool stream to Currypool farm to be formed in part by an alteration or reconstruction of the existing weir in or across that leat;

Work No. 4 An aqueduct conduit line or lines of pipes (not exceeding two in number) commencing in the parish of Charlinch (detached) at or in Work No. 3 and terminating in the parish of Spaxton at or in the Spaxton stream at a point fifty feet or thereabouts measured in a north-easterly direction from the northern corner of enclosure numbered 97 in the last-mentioned parish on the before-mentioned Ordnance map sheet XLIX-12;

Work No. 5 Ashford reservoir A storage reservoir (to be called the Ashford reservoir) in the parishes of Spaxton and Charlinch in enclosures numbered 82 82a 85 85a 86 88 89 90 91 and 92 in the parish of Spaxton and 4 4a 5 7 and 16 in the parish of Charlinch on the before-mentioned Ordnance map sheets XLIX-8 and 12 to be formed by means of a dam across the Spaxton stream;

Work No. 6 An aqueduct or line or lines of pipes (not exceeding three in number) in the parish of Spaxton commencing at or in Work No. 5 and terminating at or in the existing Ashford waterworks of the Corporation;

Work No. 7 An alteration of the surface level of a public cul-de-sac road (known as the Old Roman Road) including the construction of a culvert or culverts for conveying the Spaxton stream under the altered road and additions or alterations to or reconstruction of the existing culvert conveying a mill stream

under the existing road commencing in the parish of Spaxton at a point four hundred and twenty feet or thereabouts measured along the centre of the said road from its junction with Spaxton Lane and terminating in the said road on the boundary between the parish of Spaxton and the parish of Charlinch at a point three hundred and thirty feet or thereabouts from the point of commencement.

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(2) In addition to the foregoing works the Corporation may upon the lands acquired by them for the purposes of or in connection with the water undertaking whether under the provisions of this or any other Act make and maintain all such cuts channels adits catchwaters pump houses tanks filter beds overflows shafts tunnels pipes bores aqueducts culverts conduits mains drains sluices bye-washes waste-water channels gauges banks walls bridges roads ways embankments approaches telegraphs telephones and other subsidiary works engines machinery plant buildings and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them or for the purposes of their water undertaking but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

7. Subject to the provisions of this Act the works to be constructed by the Corporation under the authority of this Act shall, for all purposes be deemed to be part of the water undertaking.

Works to form part of water undertaking.

8. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans (and where in any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards :

Limits of deviation.

Provided that—

(a) the Corporation shall not construct the dam of the Ashford reservoir (Work No. 5) of a

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greater height above the general surface of the ground than that shown on the deposited sections in respect of such dam and five feet in addition;

- (b) except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections and except as aforesaid no part of the aqueducts being Works Nos. 2 and 4 by this Act authorised shall be constructed otherwise than by means of pipes or other form of covered conduits the upper surface of which shall not be less than two feet and where practicable three feet below the surface of the ground.

Temporary
stoppage of
streets.

9.—(1) The Corporation during the execution of the works by this Act authorised may break up and also temporarily stop up and interfere with any street for the purpose of executing such works and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same:

Provided that the Corporation shall not during the construction of the works by this Act authorised interfere unreasonably with the access for foot passengers and carts and other vehicles bona fide going to or returning from the cottage holdings of the Somerset County Council occupied respectively by Albert Edward Chilcott and James Horatio Kable consisting of the enclosures numbered on the 1/2500 Ordnance map of the county of Somerset 1904 second edition 87 88 and 89 in the parish of Spaxton on sheet XLIX-12 83 in the said parish on the said sheet and sheet XLIX-8 and 6 in the parish of Charlinch on the said sheet XLIX-12 and if any difference shall arise between the Corporation and the Somerset County Council with respect to interference with such access as aforesaid the difference shall be referred to a single arbitrator whose decision shall be final.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or returning from

any such house and for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of a railway company.

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10.—(1) When the Corporation are the owners of the lands on each side of the southern portion of the footpath in the parish of Spaxton leading from Spaxton Lane to Ashford Lane they may stop up such said portion of the footpath and thereupon all rights of way over and along the same shall be extinguished.

Stopping
up of
footpath.

(2) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

11.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Corporation as from time to time existing the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse Provided that any water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter or other matter injurious to fish or spawn or spawning beds or food of fish.

Temporary
discharge of
water into
streams.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways canals or works of any railway company.

12.—(1) If the works authorised by this Act are not completed within the period of six years from the thirty-first day of December one thousand nine hundred and thirty-two then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed unless the

Period for
completion
of works.

A.D. 1932. — said period be extended by order of the Minister of Health which order he is hereby empowered to make but not so as to extend the said period beyond ten years from the thirty-first day of December one thousand nine hundred and thirty-two.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts or line or lines of pipes authorised by this Act except as otherwise in this Act expressly provided may lay down additional aqueducts or lines of pipes as and when occasion may require.

Power to
take
waters.

13. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the Spaxton stream the Currypool stream the mill leat from the Currypool stream to Currypool farm and their respective tributaries and all such springs streams and waters (whether above or under ground) as may be intercepted by the waterworks.

Compensa-
tion water.

14. Notwithstanding anything contained in this Act the following provisions shall apply and have effect :—

(1) (a) Before the Corporation take any water through the intake (Work No. 1) by this Act authorised they shall construct at or in connection with the said intake a measuring gauge across the mill leat from the Currypool stream to Currypool farm at or as near as may be below the point of abstraction over or through which one hundred thousand gallons of water shall be allowed to pass and flow down the said mill leat during every day of twenty-four hours in a regular and continuous flow without interruption by the Corporation and the Corporation shall keep all such records as shall be necessary for the purposes of this subsection ;

(b) On any such day during such time as the flow of water in the said mill leat shall be less than at the rate of one hundred thousand gallons per day the Corporation shall not be entitled to take any water through the intake (Work No. 1) by this Act authorised but during such

time as the flow is in excess of such rate the Corporation may take through the said intake all or such part of the excess as they may require ;

(c) The power conferred upon the Corporation of taking water by means of the said intake shall cease on the date of the expiration of the period of five years from the passing of this Act unless in the meantime the Ashford reservoir (Work No. 5) by this Act authorised has been completed :

(2) The period of five years referred to in subsection (1) of this section may be extended by order of the Minister of Health upon proof by the Corporation that the completion of the construction of the said reservoir has been delayed by circumstances beyond the reasonable control of the Corporation but no such order shall be made until notice in writing of the application therefor by the Corporation has been given to all persons interested and such persons have had an opportunity of making representations on the matter to the Minister and no order made under this subsection shall authorise the Corporation to exercise the powers referred to in subsection (1) of this section for a longer period than ten years from the date of the passing of this Act :

(3) (a) From and after the completion and first filling of the Ashford reservoir (Work No. 5) authorised by this Act the Corporation (in addition to the obligations imposed upon them by subsection (1) of this section) shall during every day of twenty-four hours discharge and deliver out of the said reservoir into the Spaxton stream at a point not more than one hundred yards below the foot of the dam of the reservoir a quantity of water of not less than one hundred and fifty thousand gallons in a regular and continuous flow ;

(b) For the purpose of measuring the quantity of the water discharged or delivered into the Spaxton stream the Corporation shall erect and maintain at a point on the Spaxton stream below the said reservoir not more

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than one hundred yards from the point of the dam thereof a proper and suitable automatic and self-recording measuring gauge or meter over or through which the said compensation water shall flow :

- (4) The weir measuring gauges and records referred to in this section shall be open to the inspection and examination of all persons interested therein including the Avon Brue and Parret Fishery Board and such persons shall be entitled to take copies of or extracts from the said records :
- (5) In case of any neglect on the part of the Corporation to maintain any intake weir overflow or gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of water shall not so pass and flow or be discharged and delivered the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby including the said fishery board (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them :
- (6) If any difference arises between the Corporation and any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to arbitration :
- (7) After the completion of the Ashford reservoir the provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters of the Currypool and Spaxton streams which the Corporation can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands abutting upon the Currypool stream between Spaxton Lane and the junction of the Currypool stream with the Spaxton stream and except in respect of any lands abutting upon the north side of Currypool stream between Currypool Lane and Spaxton Lane :

(8) From and after the completion and bringing into use of the aqueducts (Works Nos. 2 and 4) by this Act authorised section 7 (Power to take lands and waters) of the *Bridgwater (Corporation) Water Act 1877* shall be repealed. A.D. 1932.

15.—(1) The Corporation may provide place and maintain at any point or points in the Currypool and Spaxton streams on lands belonging to them or in respect of which they may have acquired an easement such gauges gauge weirs and other apparatus for measuring the flow of the stream as they may consider necessary. Corporation may provide gauges.

(2) The said gauges or gauge weirs shall be erected and maintained in such manner as to interfere as little as reasonably possible with the natural flow of the said streams and with the passage of fish up and down the said streams.

16. If in consequence of the construction of any gauge weir under the powers of the sections of this Act of which the marginal notes are respectively "Compensation water" and "Corporation may provide gauges" any lands of the Somerset County Council shall be flooded or otherwise injuriously affected the Corporation shall pay to the said county council such compensation as may be agreed or as failing agreement shall be determined in accordance with the provisions of the *Public Health Act 1875* with regard to disputes as to the amount of compensation. Compensation for damage to lands of Somerset County Council.

17. The agreement dated the twenty-fourth day of November one thousand nine hundred and thirty-one and made between the Corporation of the one part and the rural council of the other part of which a copy is set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective corporate and common seals. Confirmation of scheduled agreement.

18. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Corporation to abstract water.

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Power to
acquire
lands.

19. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use for and in connection with the construction of the works authorised by this Act such lands in the county of Somerset delineated on the deposited plans and described in the deposited book of reference as they may require.

Period for
compulsory
purchase of
lands.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and thirty-two or after the expiration of one year from the date of the passing of this Act unless before that date the Corporation have served notice to treat for the acquisition of such lands or an easement or right therein.

Corporation
may acquire
easements
only in
certain
cases.

21.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing renewing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of such Acts.

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

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire

by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

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(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this section.

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

Further
power of
entry.

23. The tribunal shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of the opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Costs of
arbitration
in certain
cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the

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satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

For pro-
tection of
William
Edward
Jeanes.

24. For the protection of William Edward Jeanes or other the owner or owners for the time being of Currypool farm and other lands now belonging to the said William Edward Jeanes in the parish of Charlinch adjoining the Currypool stream and the Spaxton stream between the intake (Work No. 1) and the junction of the said streams (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner apply and have effect notwithstanding anything in this Act contained or shown upon the deposited plans and sections (that is to say) :—

- (1) The Corporation shall not acquire otherwise than by agreement under the powers of this Act any lands of the owner except an area of land not exceeding seven hundred and fifty square yards in extent at or near the junction of the Currypool stream and the mill leat from the Currypool stream to Currypool farm and shown on a plan prepared in duplicate and signed for the purpose of identification by Harold Bedale on behalf of the Corporation and by Sidney Robert Raffety for the owner and thereon coloured pink one copy of which has been deposited with the Corporation and the other copy with the owner but nothing in this subsection shall interfere with the exercise by the Corporation in relation to lands of the owner of the powers conferred by the section of this Act

of which the marginal note is "Corporation may acquire easements only in certain cases" : A.D. 1932.

- (2) The weir intake and overflow (Work No. 1) by this Act authorised shall be constructed at the junction referred to in subsection (1) of this section and the aqueducts authorised by this Act being works numbered 2 and 4 shall be constructed as a continuous aqueduct as nearly as practicable in the line shown on the said plan and Work No. 3 shall not be constructed :
- (3) The owner shall not operate the sluice gates on the Currypool stream at a point near the north-eastern corner of Currypool covert so as to divert any water from the Currypool stream except at such times as such water may be reasonably required by him for sheep washing in connection with the existing sheep wash in the enclosures numbered 53 and 64 in the parish of Charlinch (detached) on the 1/2500 Ordnance map Somerset (sheets XLIX-12 and XLIX-11) edition of 1904 and before so diverting such water the owner shall give twenty-four hours' previous notice in writing to the Corporation. The Corporation shall be entitled at their own expense to maintain and repair the said sluice gates :
- (4) The weir and measuring gauge (Work No. 1) and also the intakes and overflows in connection therewith shall be of such design and construction as may be reasonably approved by an engineer appointed by the owner and the overflow (Work No. 1) shall be so designed as to provide for the discharge into the Currypool stream of any quantity of water in excess of the capacity for the time being of the mill leat from the Currypool stream to the Currypool farm :
- (5) Whenever the owner requires to cleanse or repair the said mill leat or the pond at Currypool farm the Corporation for such period as may be reasonably required by the owner shall divert into the Currypool stream any water which would flow into the said mill leat :

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- (6) Forthwith after the construction of the aqueducts (Works Nos. 2 and 4) by this Act authorised the Corporation shall pay the sum of four hundred pounds to the owner as compensation in respect of injurious affection resulting from the reduction of the supply of water available for working the mill at the Currypool farm and for the loss of any rights which the owner may possess of utilising the waters of the Currypool stream and the mill leat from the Currypool stream to the Currypool farm for the irrigation of his lands :
- (7) The Corporation shall have at all necessary times the right to use by their servants and workmen with or without horses and vehicles the cartway belonging to the owner and marked on the said plan between the points A and B shown on the plan referred to in subsection (1) of this section and the Corporation shall pay to the owner the sum of ten pounds as consideration for the said right during the construction of the Works Nos. 1 2 and 4 and thereafter the sum of one pound on the first day of January in every year for such easement The owner shall grant full and free license to the Corporation to enter his land from time to time to strengthen and raise the bank on either side of the stream above the weir intake and overflow (Work No. 1) for a distance of one hundred yards so as to prevent the stream overflowing on to the adjoining land The Corporation shall from time to time forthwith make good and repair any damage or injury caused by reason of the use by their servants and workmen of the said cartway or the land referred to in this subsection :
- (8) If any difference arises between the Corporation and the owner with respect to the meaning or effect of this section or any rights obligations or liabilities of the Corporation or the owner hereunder such difference shall be referred to arbitration.

25. For the protection of Geoffrey Clayton Woodhouse of Court Farm in the parish of Spaxton or other the owner or owners for the time being of the lands in the parish of Spaxton adjoining the Spaxton stream now belonging to the said Geoffrey Clayton Woodhouse (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner apply and have effect notwithstanding anything in this Act contained or shown upon the deposited plans and sections (that is to say) :—

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For protection of
Geoffrey Clayton
Woodhouse.

- (1) The Corporation shall not acquire under the powers of this Act any lands of the owner otherwise than by agreement but nothing in this subsection shall interfere with the exercise by the Corporation in relation to the land of the owner of the powers conferred by the section of this Act of which the marginal note is "Corporation may acquire easements only in certain cases" :
- (2) The weir intake and overflow (Work No. 1) and the aqueducts (Works Nos. 2 and 4) by this Act authorised shall be of such design and construction and shall be so operated by the Corporation as to provide for the discharge into the Currypool stream or the mill leat from the Currypool stream to the Currypool farm of any quantity of water which when added to the quantity for the time being flowing in the Spaxton stream may be in excess of the capacity for the time being of the Spaxton stream :
- (3) If any difference arises between the Corporation and the owner with respect to the meaning or effect of this section or any rights obligations or liabilities of the Corporation or the owner hereunder such difference shall be referred to arbitration.

26. For the protection of William Webber of Currypool mill in the parish of Spaxton or other the owner or owners for the time being of Currypool mill and other lands now belonging to him in the parish of Spaxton adjoining the Spaxton stream (in this section referred to as "the owner") the following

For protection of
William Webber.

A.D. 1932. — provisions shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections apply and have effect unless otherwise agreed in writing between the Corporation and the owner (that is to say) :—

- (1) The Corporation shall themselves at their own expense execute and carry out and thereafter maintain any works necessary for the drainage and disposal of sewage or other effluents from the lands and premises of the owner shown on the deposited plans whether required by the Corporation or any other local or other authority with competent jurisdiction :
- (2) The Corporation shall not acquire under the powers of this Act any lands of the owner otherwise than by agreement :
- (3) The aqueduct (Work No. 4) shall be constructed so as to discharge into the mill leat of the owner and not into the natural bed of the Spaxton stream so that the owner may use the water so discharged for working his mill and the owner shall at his own expense construct and maintain any weir or sluices on his said mill leat for controlling the flow of water to his mill and shall be responsible for the regulation of such sluices :
- (4) (a) The Corporation before commencing to fill the Ashford reservoir (Work No. 5) shall at their own expense construct and thereafter maintain in an efficient state of repair masonry concrete or brick retaining walls along so much of the banks of the Spaxton stream and of the mill race where the same adjoin the property of the owner of such height as may be necessary to prevent flooding of the property of the owner by reason of the construction of the reservoir and shall fill in behind such walls to the top level thereof with rubble or well-consolidated earth ;

(b) The Corporation shall remove and re-erect to the reasonable satisfaction of the owner any building (whether temporary or permanent) which now exists on any part of the property

of the owner the level of which may be altered by the Corporation under this subsection; A.D. 1932.

(c) The Corporation shall also raise the level of any existing occupation road or way in use by the owner on his property to such height as may be necessary to obviate flooding of such road or way by reason of the construction and use of the said reservoir :

- (5) The sill of the overflow weir to be provided in connection with the Ashford reservoir shall be constructed and maintained at a height not greater than one hundred and fifteen feet above Liverpool Ordnance datum The Corporation before commencing to fill the said reservoir shall at their own expense remove the existing waterwheel of the owner and instal in its place a turbine of design and specification to be reasonably approved by the owner (together with all necessary penstocks control gates flumes and discharge channels) of such size as to be capable of developing when the said reservoir is full or overflowing the same power as the existing waterwheel and shall make such alterations of the existing machinery as may be necessary to enable it to be driven by the said turbine All such works shall be carried out to the reasonable satisfaction of the owner The Corporation shall pay to the owner all additional costs and expenses which may be incurred by him in working his mill from the time the existing waterwheel is put out of use until the said turbine is in effective working order :
- (6) The owner shall without charge afford to the Corporation such access to his property and such reasonable facilities and easements as may be necessary to enable the Corporation to carry out the works referred to in subsections (1) (4) and (5) of this section :
- (7) If any difference arises between the Corporation and the owner with respect to the meaning or effect of this section or any rights obligations or liabilities of the Corporation or the owner hereunder such difference shall be referred to arbitration.

A.D. 1932.
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For pro-
tection of
William
Lot Roe.

27. For the protection of William Lot Roe of Swang Farm in the parish of Cannington or other the owner or owners for the time being of the lands in the parishes of Spaxton and Cannington now belonging to him adjoining the Currypool and Spaxton streams (in this section referred to as "the owner") the following provisions shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections apply and have effect unless otherwise agreed in writing between the Corporation and the owner (that is to say) :—

- (1) The Corporation shall not acquire otherwise than by agreement under the powers of this Act any lands of the owner except those shown on the plan signed in duplicate by Harold Bedale on behalf of the Corporation and by Sidney Robert Raffety on behalf of the owner and thereon coloured pink of which plan one copy has been deposited with the Corporation and one copy has been deposited with the owner. Provided that if after the completion of the construction of the intended Ashford reservoir (Work No. 5) it should be found that the land acquired by the Corporation under the provisions of this subsection includes any land situate to the north of and at a distance of more than twenty feet from the foot of the embankment of such reservoir in the enclosure numbered 8 on the deposited plans in the parish of Spaxton the Corporation shall if requested so to do by notice in writing to be given within three months after the completion of the said work forthwith reconvey to the owner so much of such land forming part of the said enclosure numbered 8 as shall be beyond the said distance of twenty feet and also so much of the enclosure numbered 6 on the deposited plans in the said parish of Spaxton as shall lie between the north-westerly limit of the lands coloured pink on the signed plan and a line drawn from the south-western corner of the portion of enclosure numbered 8 to be so reconveyed to the owner to the point at which the limits of deviation shown on

the deposited plans cross the boundary between enclosures numbered 6 and 12 on the deposited plans in the said parish of Spaxton at the same price per square yard as the average price per square yard which may be paid by the Corporation for the said land coloured pink on the signed plan. The Corporation shall also restore the surface of the said lands to the reasonable satisfaction of the owner :

- (2) The Corporation shall from time to time when requested so to do by the owner furnish to the owner a supply of water for his existing sheep wash and water tank at or near Mill Farm and shall provide fix and maintain a ball valve for the control of the supply to such tank :
- (3) Concurrently with the construction by the Corporation of such of the weir intakes authorised by this Act as is first constructed the Corporation shall provide and construct drinking places or pools for cattle horses and sheep in the bed of the Currypool stream in such position and of such dimensions and with such approaches as the owner may reasonably require :
- (4) The owner shall grant to the Corporation without charge all reasonable facilities for the construction of the works mentioned in subsections (2) and (3) of this section :
- (5) If any difference arises between the Corporation and the owner with respect to the meaning or effect of this section or any rights obligations or liabilities of the Corporation or the owner hereunder such difference shall be referred to arbitration.

28.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are from time to time empowered to take or which may flow into any waterworks of the Corporation the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands

Powers for protection of water supply.

A.D. 1932. — and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are from time to time empowered to take from being polluted and the Corporation may for the purposes aforesaid carry such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Purchase of
additional
lands by
agreement.

29. The Corporation in addition to any other lands acquired by them in pursuance of this Act or which they are now authorised to acquire or hold may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired by them in pursuance of this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

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30. Where under the powers of this Act the Corporation shall acquire any easement or right in under or through any lands for the construction of any work by this Act authorised the Corporation may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such work.

Power to purchase lands already subject to easements.

31.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act or any other Acts or any Orders relating to the water undertaking the Corporation may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the powers of the said Acts or Orders in the purchase of lands so remaining to be acquired but the Corporation shall apply any capital moneys so received and not applied as aforesaid in or towards the extinguishment of any loan raised by them under the powers of the said Acts or Orders and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act or any other Act or Order except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of sale of surplus lands.

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by the said Acts and Orders for the purpose of such purchase;

(b) the borrowing powers conferred by the said Acts and Orders for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

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Application
of Water-
works
Clauses
Act 1847.

32. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying down pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the aqueducts or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are by this Act authorised to construct lay down or erect for the purposes of the water undertaking :

Provided that nothing in this section shall authorise the breaking up of any street repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld.

For pro-
tection of
Postmaster-
General.

33. Any telegraphs telephones posts wires conductors or apparatus made constructed laid down or erected by the Corporation under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

For pro-
tection of
Somerset
County
Council.

34. In the exercise of any of the provisions of this Act in the administrative county of Somerset the following provision for the protection of the Somerset County Council shall apply and have effect (that is to say) :—

Section 30 of the Waterworks Clauses Act 1847 incorporated with this Act shall be read and have effect as if in respect of any street bridge sewer drain or tunnel under the control or management of the said county council or of their agents on their behalf the period of fourteen clear days were inserted in the said section instead of the period of three clear days therein mentioned and the notice therein mentioned shall be given to the surveyor of the said county council and shall be accompanied by the plan referred to in section 31 of the said Act.

35.—(1) At any time after the passing of this Act on the application of the Corporation or of any local authority having jurisdiction within the water limits the Minister of Health by order may vary by way either of increase or decrease all or any of the maximum rates and charges for the supply of water authorised by the Acts and Orders relating to the water undertaking and the basis on which such rates and charges may be reckoned.

A.D. 1932.
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Revision
of water
charges.

(2) The rates and charges from time to time prescribed shall be sufficient so far as can be estimated to enable the water undertaking to be carried on without loss after providing such sum as the Minister may consider reasonable as a contribution towards the reserve fund of the water undertaking so long as such fund does not amount to the maximum for the time being prescribed therefor.

(3) In the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges at less intervals than five years.

(4) Sections 71 and 92 of the Act of 1928 are hereby repealed.

(5) Nothing in this section shall affect or apply to the charges for water supplied by the Corporation to the rural council in pursuance of the agreement scheduled to this Act.

36. Where a person who takes a supply of water from the Corporation for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

Charges for
supplies
for refrigerating
apparatus.

(a) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or

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

A.D. 1932.

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Special
terms for
supplies to
caravans
&c.

37.—(1) Notwithstanding anything in this or any other Act or any Order relating to the Corporation contained a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation 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 water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation 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 which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

Extension
of power to
inspect
premises.

38. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Corporation may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

39. The Corporation may agree with the owner or occupier of any premises within the water limits who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

A.D. 1932.

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Agreements
as to supply
of water in
certain
cases.

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

Power to
borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements under the powers of this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the works Nos. 5 and 7 authorised by this Act.	£ 12,000	Fifty years from the date or dates of borrowing.
(c) The construction of the other works authorised by this Act.	4,416	Thirty years from the date or dates of borrowing.
(d) The construction of pumping buildings and machinery and gravity filters.	9,074	Twenty years from the date or dates of borrowing.
(e) The construction of pumping and high pressure mains.	9,200	Thirty years from the date or dates of borrowing.

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1	2	3
Purpose.	Amount.	Period for repayment.
(f) Additional mains and service pipes and other purposes in connection with the supply of water by the Corporation.	£ 5,000	Thirty years from the date or dates of borrowing.
(g) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for or in connection with any purpose of the water undertaking or 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 Corporation may mortgage or charge the revenues of the Corporation.

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

Postpone-
ment of
sinking
fund.

41. Notwithstanding anything in the Act of 1928 or in this Act contained it shall not be obligatory on the Corporation to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) and (b) mentioned in subsection (1) of the section of this Act the marginal note whereof is "Power to borrow" until the thirty-first day of March next after the completion of the work for or in connection with which the money is borrowed or the expiration of five years from the passing of this Act whichever shall first happen.

Power for
rural
council to
borrow.

42. For the purpose of providing any capital sum payable to the Corporation under the section of this Act whereof the marginal note is "Confirmation of scheduled agreement" and the agreement therein referred to for paying any contribution towards the costs charges and expenses of this Act the rural council may borrow such sums of money as may be necessary

and all provisions of the Public Health Acts applying to or in connection with the borrowing repayment or reborrowing of money by rural district councils shall apply to any borrowing under this section except that the period within which the borrowed money shall be repaid shall be such period not exceeding five years as the rural council may think fit.

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43. The following provisions of the Act of 1928 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

Application
of financial
provisions
of Act of
1928.

- Section 239 (Mode of raising money);
- Section 240 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 241 (Mode of payment off of money borrowed);
- Section 248 (Application of money borrowed);
- Section 255 (Appointment of receiver).

44. The following provisions of the Act of 1928 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

Application
of certain
further
provisions
of Act of
1928.

- Section 107 (Power to enter upon property for survey and valuation);
- Section 109 (Persons under disability may grant easements &c.);
- Section 111 (Compensation in case of recently created interest);
- Section 113 (Extinction of private rights of way);
- Section 278 (Recovery of demands);
- Section 282 (Informations by whom to be laid);
- Section 283 (Recovery of penalties &c.);
- Section 284 (Compensation how to be determined);
- Section 285 (Powers of Act cumulative);
- Section 286 (Saving for indictments &c.);
- Section 288 (Judges not disqualified);
- Section 289 (Inquiries by Minister);
- Section 290 (Works below high-water mark not to be constructed without consent of Board of Trade);
- Section 291 (Crown rights).

A.D. 1932. — Expenses of execution of Act. **45.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

Arbitration. **46.** Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply or such as arise out of the scheduled agreement) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889.

Costs of Act. **47.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and such costs charges and expenses shall (after deducting any amount which may be contributed by the rural council) be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the powers of this Act for that purpose.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1932.

AN AGREEMENT made the twenty-fourth day of November one thousand nine hundred and thirty-one between the MAYOR ALDERMEN and BURGESSES of the BOROUGH of BRIDGWATER in the County of Somerset (hereinafter called "the Corporation") of the one part and the RURAL DISTRICT COUNCIL of the Rural District of Bridgwater in the said County (hereinafter called "the Council") of the other part witnesseth as follows:—

1. When the Bill to be promoted by the Corporation as hereinafter mentioned has received the Royal Assent the Corporation shall forthwith proceed to construct and complete sufficient of the works authorised thereby as will enable a supply of water to be given by the Corporation to the Council if reasonably possible on the 1st day of June 1933 and thereafter the Corporation shall supply to the Council and the Council shall take in perpetuity such quantity of water in bulk as the Council may from time to time require and the Corporation and the Council shall respectively give and take the said supply upon the terms and subject to the conditions hereinafter set forth.

2. The said supply shall be given at the rate of four hundred thousand gallons per twenty-four hours but the Corporation shall not be bound to supply a greater quantity than two hundred thousand gallons in any period of twenty-four consecutive hours unless a greater quantity is desired by the Council and can be supplied by the Corporation without restricting or prejudicing the supply of the full quantity then required for all purposes within the statutory area of supply of the Corporation.

3. The Corporation shall not incur any liability for failure to give such supply as aforesaid if such failure is due to accident or breakdown of machinery or other unavoidable cause. If the Corporation in consequence of drought or any other cause for which they are not responsible shall at any time have to impose any temporary restriction on the supply of water to consumers for domestic purposes within their statutory area of supply they shall be entitled to reduce the quantity of water to be supplied to the Council in pursuance of this agreement in any period of twenty-four consecutive hours to such proportion of two hundred thousand gallons as is equal as nearly as practicable to the proportion which the restricted daily quantity of water for the time being supplied by the Corporation within their statutory

A.D. 1932. — area of supply bears to the full normal daily demand for the time being of consumers within such statutory area.

4. The water to be supplied hereunder shall be delivered by the Corporation to the Council at such point on the boundary of the statutory area of supply of the Corporation at Barford Park as shall be agreed upon by the Corporation and the Council or failing such agreement shall be determined by arbitration in manner hereinafter provided.

5. The Council shall be entitled to require the Corporation to deliver the water at the said point at a pressure not less than that necessary to raise the same at a rate of four hundred thousand gallons per twenty-four hours to an elevation of four hundred feet above Ordnance datum. The Corporation shall not be bound to deliver the water at a pressure greater than that necessary for raising the same at the said rate to the said elevation.

6. The water to be supplied hereunder shall be pumped from the pure-water well or wells of the Corporation at their Ashford pumping station and shall at all times be of the same quality as the water for the time being supplied by the Corporation within their statutory area of supply.

7. The Corporation shall provide all necessary works machinery mains and apparatus and carry out all necessary operations for protecting collecting storing purifying and sterilizing the water to be supplied to the Council hereunder and pumping the same to the said point of delivery.

8.—(1) The Corporation shall provide and fix at the Ashford pumping station and at or near the said point of delivery the Council shall provide and fix and the parties respectively shall maintain and whenever necessary repair and renew an efficient and suitable self-recording meter (including any necessary subsidiary apparatus) for measuring the quantity of water supplied to the Council in pursuance of this agreement and the Corporation and the Council respectively shall at all times keep such meters in proper condition and working order and each party shall whenever so requested by the other afford reasonable facilities for inspecting the said meters and taking copies of the records thereof.

(2) If the Corporation for the purpose of giving a supply of water to any part of their statutory area of supply take water off the rising main at any point or points between the two meters the Corporation shall provide separate meters for measuring such water and the amount so taken shall be deducted from the quantity to be paid for by the Council.

(3) For the purpose of calculating the amounts payable by the Council in respect of the price for the water supplied by the Corporation the quantity of water recorded by the average of the

meters referred to in subclause (1) as having been taken by the Council in any period shall be deemed to be the quantity taken by the Council in that period.

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(4) If at any time either of the said meters referred to in subclause (1) shall cease to register correctly or shall be removed for the purpose of repair or renewal or for any other reason then until the said meter shall be repaired or replaced so as to register correctly the quantity of water passing through it the Corporation shall be entitled to charge and the Council shall be liable to pay for a daily quantity of water recorded by the other meter or in the event of both meters being out of working order to be estimated by agreement between the parties or failing agreement to be settled by arbitration.

(5) As soon as practicable after each thirtieth day of September and thirty-first day of March the said meters shall be inspected and the records thereof shall be taken for the half-year ending at that date by an officer of the Corporation together with an officer of the Council and the Corporation shall thereupon make up and deliver to the Council an account in writing showing the quantity of water taken by the Council during such half-year and the price payable in respect thereof and in respect of the quantity to be paid for as if taken in that half-year as hereinafter provided and the Council shall within two calendar months after the day on which each such account is delivered to them pay to the Corporation the amount due to them in respect of the period to which such account relates :

Provided that with the said account delivered for the period ending 31st March in each year the Corporation shall furnish a statement to the Council showing in detail how the various items are arrived at This statement shall cover the whole year ending 31st March and when payment is made by the Council in respect of the half-year ending 31st March any necessary adjustments shall be made so as to secure that the provisions of clause 10 of this agreement are complied with.

9. If the Council shall take from the Corporation in pursuance of this agreement a less quantity of water than ten million gallons in any year ending on the thirty-first day of March they shall in respect of the second half of that year further pay the Corporation at the price hereinafter specified for such a quantity of water as shall be necessary when added to the quantity actually taken to make an aggregate quantity of ten million gallons for that year as if the same had been taken.

10. The price to be paid by the Council to the Corporation for the water supplied shall be as follows :—

- (1) In respect of each half-year ending on the 30th day of September or the 31st day of March the Council shall pay to the Corporation the amount of the loan charges

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for that half-year (including interest and instalments or sinking fund contributions for repayment of principal) upon the moneys borrowed by the Corporation for providing the cost of any additional pumping plant and buildings installed at the Ashford pumping station of the Corporation for the purposes of the said supply and the cost of the rising main from the said pumping station to the said point of delivery together with the amount of all expenses incurred by the Corporation in that half-year for rates taxes and insurance on the said plant buildings and rising main and for necessary maintenance repairs replacements and renewals thereof Provided that if the Corporation shall in any half-year use the said additional pumping plant and buildings for the purpose of supplying water to any persons or bodies other than the Council the amount so payable by the Council to the Corporation for loan charges rates taxes insurance maintenance repairs replacements and renewals in respect of the said additional pumping plant and buildings shall be only such proportion of the whole amount of such loan charges rates taxes insurance and maintenance repairs replacements and renewals as is equal to the proportion which the quantity of water pumped during the half-year by means of such plant and supplied to the Council together with the quantity (if any) which the Council is in respect of that half-year to pay for as if taken as hereunder provided bears to the whole quantity of water pumped during the half-year by means of such plant The Council shall bear the whole of the loan charges rates taxes insurance repairs replacements and renewals in respect of the said rising main and no part thereof shall fall upon the Corporation but the Corporation shall be entitled (subject to the right of the Council to take in any event at the point of delivery the said quantity of two hundred thousand gallons per twenty-four hours at the rate and pressure specified in clause 5 of this agreement) to make full use of the said rising main for the purpose of supplying water within the statutory water limits of the Corporation.

If the rising main shall be tapped by the Corporation outside the pumping station premises to enable the Corporation to supply any part of their statutory area which is outside the area of the rural district the Corporation shall pay a proportionate part of the charges in respect of such part of the main as lies between the pumping station and the point at which it is tapped such proportionate part to be agreed or failing agreement to be settled by arbitration:

(2) The Council shall further pay to the Corporation—

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(a) A sum in respect of the quantity of water supplied to the Council in each half-year ending on the 30th day of September or the 31st day of March and the quantity to be paid for by the Council as if taken in that half-year as hereinbefore provided which sum shall be at a rate per one thousand gallons equal to the average rate of the cost to the Corporation of the water as delivered to the pure-water well or wells of the Corporation at their Ashford pumping station. Such average rate of cost shall be assessed at the end of each financial year ending on the 31st day of March and shall include a sum of fifty pounds per annum for administrative expenses and also all proper payments expenses and charges made or incurred from time to time by the Corporation (such as wages materials rates taxes and loan charges) in respect of the protection collection storage purification and sterilization of the water before it enters into the said pure-water well or wells and the delivery thereof to such well or wells; and

(b) A sum equal to ten per centum upon the sum ascertained in accordance with paragraph (a) of this subclause :

(3) The Council shall further pay to the Corporation in respect of each half-year ending on the 30th day of September or the 31st day of March their proportion of the cost of all fuel lubricating oils and other materials and the wages of the employees at the said Ashford pumping station as is equal to the proportion which the volume of water pumped at that station during such half-year for supply to the Council bears to the whole volume of water pumped at that station during such half-year. The said respective volumes of water shall be recorded continuously by means of the self-recording meters already referred to and a similar meter on their separate raising main which shall be provided by the Corporation and which meters shall be open at all reasonable times to inspection by any duly authorised representative of the Council :

Provided also that although the Corporation shall not be obliged to use either their existing pumping machinery or any replacement thereof for the purpose of giving a supply of water to the Council they may at the request of the Council employ such machinery for that purpose in which event the Council shall pay to the Corporation a proportionate amount to be agreed of the cost to the Corporation of employing such machinery :

Provided further that this clause shall be read and have effect notwithstanding anything contained in section 88 of the Bridgwater Corporation Act 1928.

A.D. 1932.

11. If the Council shall not pay any amount due to the Corporation in respect of any half-year for the price of the water taken or hereby agreed to be paid for as taken by the Council within the period of two months in which the same is payable as aforesaid it shall be lawful for the Corporation (unless there shall be a bona fide dispute between the parties) on giving to the Council notice in writing of their intention so to do to stop the delivery of water until all moneys for the time being due and payable by the Council to the Corporation hereunder shall have been paid. Provided always that nothing herein contained shall prejudice or interfere with the exercise of any other legal remedies to which the Corporation may be entitled for recovering any sum of money payable by the Council to them in pursuance of this agreement.

12. All or any notices given by the Council to the Corporation or by the Corporation to the Council under section 68 of the *Bridgwater Corporation Act 1928* (hereinafter called "the Act of 1928") are hereby withdrawn.

13. Within three months after the passing of the Bill hereinafter mentioned the Council shall pay to the Corporation a sum of two hundred pounds as a contribution towards the expenses (including legal and engineering charges) already incurred by the Corporation in respect of the works authorised by the Act of 1928 which by agreement with the Council the Corporation do not now intend to construct or proceed with and upon payment of the said sum the Corporation shall have no further claim upon the Council in respect of such expenses or in respect of any notices given by the Council to the Corporation under section 68 of the Act of 1928 or any expenses consequent upon such notices.

14. The Corporation shall promote a Bill in Parliament in the session 1931-32 for the purpose of the abandonment of the scheme of works authorised by the Act of 1928 the repeal of the powers and provisions of that Act with respect to those works the granting of powers to the Corporation to carry out a new scheme of works and the confirmation of this agreement. All the costs charges and expenses of the Corporation and the Council preliminary to and of and incidental to the preparing applying for obtaining and passing of the said Bill including all legal and technical expenses and the costs incidental to the preparation and completion of this agreement shall be taxed by the taxing officer of the House of Lords or of the House of Commons in accordance with the clause in the said Bill of which the marginal note is "Costs of Act" and shall be borne in equal shares by the Corporation and the Council. The Council shall if so required by the Corporation support the passage of the said Bill through Parliament by authorising any members or officers of the Council to give evidence in its favour before a committee of either House of Parliament or otherwise as the Corporation may require.

A.D. 1932.

15. If any difference shall arise between the Corporation and the Council as to the construction of these presents or as to anything contained in or arising out of these presents such difference shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 by Edmund Alderson Sandford Fawcett C.B. M.I.C.E. or in the event of his dying or being unable to act by a single arbitrator to be agreed upon by the Corporation and the Council or failing such agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either of the parties in difference.

16. This agreement is made subject to confirmation by Parliament under the said Bill and subject to such alterations as Parliament may think fit to make therein but if the Committee of either House of Parliament to whom the Bill is referred make any material alteration in this agreement it shall be competent to either party thereto to withdraw the same and upon such withdrawal this agreement shall become void except so far as regards clauses 14 and 15 thereof.

In witness whereof the Corporation and the Council have hereunto affixed their respective corporate and common seals the day and year first above written.

The corporate seal of the mayor aldermen and burgesses of the borough of Bridgwater was hereunto affixed pursuant to a resolution of the Corporation in the presence of



C. BRYER Chairman.
H. BEDALE Town Clerk.

The common seal of the Bridgwater Rural District Council was hereunto affixed pursuant to a resolution of the Council in the presence of



P. T. PRYCE MICHELL Chairman.
GEORGE NEWTON Clerk.

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