

[26 GEO. 5. &
1 EDW. 8.]

*South East Cornwall
Water Board Act, 1936.*

[Ch. xxx.]



CHAPTER xxx.

An Act to constitute and incorporate a joint board consisting of representatives of the rural district council of Saint Germans and the urban district council of Looe with power to construct works for intercepting and distributing the waters of the Rushyford Brook (otherwise the Rushy Brook) and the Withey Brook and for other purposes.

A.D. 1936.

[21st May 1936.]

WHEREAS the rural district of Saint Germans and the urban district of Looe are respectively under the management and control of the rural district council of Saint Germans (in this Act called "the Saint Germans Council") and the urban district council of Looe (in this Act called "the Looe Council"):

And whereas under the provisions of the Public Health Acts each of the councils is supplying water within its district from local sources but the existing sources of supply and the existing works of the councils are inadequate and it would be of local and public advantage if a water board (in this Act referred to as "the Board") consisting of representatives of the Saint Germans Council and the Looe Council were constituted as in this Act provided and the Board were empowered to obtain a gravitation supply of water from the Rushyford Brook (otherwise the Rushy Brook) and Withey Brook and for that purpose to acquire lands and to make or acquire and

A.D. 1936. — to maintain the works described in this Act and to supply the water derived therefrom to the said councils in bulk :

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

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

And whereas an estimate has been prepared for the purpose hereinafter mentioned and such estimate is as follows :—

For the purchase of land and for and in connection with the construction of the waterworks authorised by this Act - - - - -	£ 115,000
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And whereas the several works included in such estimate 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 Cornwall which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

23 & 24
Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed by the Saint Germans Council and the Looe Council :

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

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the South East Cornwall Water Board Act 1936.

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

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Part I.—Preliminary

Part II.—Establishment constitution and proceedings of Board.

Division of
Act into
Parts.

Part III.—Waterworks.

Part IV.—Lands.

Part V.—Apportionment and supply of water.

Part VI.—Supply of water by constituent authorities.

Part VII.—Financial and miscellaneous provisions.

3. 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.

(a) The provisions of the Commissioners Clauses Act 1847 with respect to the following matters (namely) :—

10 & 11 Vict.
c. 16.

The contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

The liabilities of the commissioners and legal proceedings by or against the commissioners;

Access to the special Act;

(b) The Lands Clauses Acts with the following exceptions and modifications :—

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

8 & 9 Vict.
c. 18.

(ii) The bond required by section 85 of the said Act of 1845 shall be under the common seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section;

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

10 & 11 Vict.
c. 17.

The construction of waterworks;

Mines;

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

The provision for guarding against fouling
the water of the undertakers;

26 & 27 Vict.
c. 93.

(d) The provisions of the Waterworks Clauses Act
1863 with respect to the security of the reservoirs
constructed by the undertakers;

8 & 9 Vict.
c. 20.

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

Interpreta-
tion.

4.—(1) In this Act the several words and expressions
to which meanings are assigned by the Acts partially
incorporated herewith shall have the same respective
meanings unless there be something in the subject or
context repugnant to such construction. Provided that
for the purposes of this Act—

In the provisions of the Commissioners Clauses
Act 1847 incorporated with this Act “the
commissioners” means the Board;

And in this Act unless the subject or context
otherwise requires—

“The Board” means the South East Cornwall
Water Board incorporated by this Act;

“The clerk” means the clerk to the Board;

“The Saint Germans Council” means the Saint
Germans Rural District Council;

“The Looe Council” means the Looe Urban Dis-
trict Council;

“The councils” and “the constituent authorities”
mean the Saint Germans and Looe Councils and
“constituent authority” means one of those
councils;

“The county council” means the council of the
administrative county of Cornwall;

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

“The Act of 1933” means the Local Government
Act 1933;

9 & 10
Geo. 5. c. 57.

“ The undertaking ” means the undertaking of the Board authorised by this Act; A.D. 1936.

“ The district of the Board ” means the area comprising the districts of the councils;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

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

“ Statutory 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 security of the Board; 38 & 39 Vict.
c. 83.

“ Revenues of the Board ” includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act;

“ The Minister ” means the Minister of Health.

(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 Railway Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Board and the expression “ the railway ” shall be construed to mean so much of any aqueduct

A.D. 1936. — conduit line or lines of pipes by this Act authorised as shall not be constructed in a highway and “the centre of the railway” shall be construed to mean so much of such aqueduct conduit line or lines of pipes as aforesaid.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

Incorporation of Board.

5. For the purposes of carrying this Act into execution there shall be a Board of twelve members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of “the South East Cornwall Water Board” with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands (without any licence in mortmain) and other property for the purposes of this Act and with all other powers and privileges of a body corporate.

Constitution of Board.

6.—(1) The constitution of the Board shall be as follows:—

Seven members to be elected by the Saint Germans Council from amongst the members thereof; and

Five members to be elected by the Looe Council from amongst the members thereof.

(2) On the application of either of the constituent authorities the Minister may at any time after giving notice of the application to the other constituent authority and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities or either of them and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration including an alteration in the number of members to form a quorum.

Appointment of members of Board.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within

six weeks after the passing of this Act or within such further time as the Minister shall allow on the application of either of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and thirty-eight.

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(2) Each constituent authority shall at a meeting to be held within one month after the thirty-first day of March in every year or at a special meeting to be held with special notice of the object of such meeting appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being less than a year nor more than three years as they may determine.

(3) A vacating member shall subject to the provisions of this Act be eligible for re-appointment.

8. If either constituent authority fail to appoint first members of the Board or to fill any vacancy as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if either constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

Provisions where failure to appoint members.

9. A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by whom he is appointed.

Members of Board to be members of constituent authorities.

10. A person who is a member of both constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall choose under which appointment he shall serve and the other appointment shall be deemed void.

Member of both authorities to represent one only.

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Disqualifi-
cation of
members.

11. If a member of the Board ceases to be a member of the constituent authority by whom he was appointed he shall cease to be a member of the Board. Provided that for the purposes of this section a member of the Board shall not be deemed to have ceased by reason of retirement to be a member of such constituent authority if he has been re-elected a member thereof not later than the day of his retirement.

Disability of
members for
voting.

12.—(1) If a member of the Board has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter :

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as ratepayer or as an inhabitant of the district of the Board or as an ordinary consumer of water or to an interest in any matter relating to the terms on which the right to participate in any service (including the supply of goods) is offered to the public.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter if—

- (a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration :

Provided that—

- (i) this subsection shall not apply to membership of or employment under any public body;

- (ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body. A.D. 1936.

(3) In the case of married persons living together the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the clerk by a member of the Board to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall unless and until the notice is withdrawn be deemed to be a sufficient disclosure of his interest in any contract proposed or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (4) thereof and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(6) If any person fails to comply with the provisions of subsection (1) of this section he shall for each offence be liable to a fine not exceeding fifty pounds unless he proves that he did not know that a contract proposed or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The Minister may subject to such conditions as he may think fit to impose remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business or in any other case in which it appears to the Minister that it is in the interests of the

A.D. 1936. inhabitants of the district of the Board that the disability should be removed.

(9) The Board may by standing orders provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(10) The provisions of this section shall apply in respect of members of a committee or sub-committee of the Board as those provisions apply in respect of members of the Board with the substitution of references to meetings of the committee or sub-committee for references to meetings of the Board.

Certificate
of appoint-
ment of
members.

13. Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk to the Saint Germans Council and on every subsequent appointment to the clerk and every certificate shall be conclusive evidence of such appointment.

Resignation
of members.

14. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk.

Removal of
members.

15. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

Vacation of
office by
failure to
attend
meetings

16. If a member of the Board fails throughout a period of six consecutive months to attend any meeting of the Board he shall unless the failure was due to some reason approved by the Board cease to be a member of the Board :

Provided that—

(a) attendance as a member at a meeting of any committee or sub-committee of the Board shall be deemed for the purposes of this section to be attendance at a meeting of the Board;

(b) a member of any branch of His Majesty's naval military or air forces when employed during war or any emergency on any naval military or air force service and a person whose employment in the service of His Majesty in connection with war or any emergency is such as in the opinion of the Minister to entitle him to relief from disqualification on account of absence shall not cease to be a member of the Board by reason only of failure to attend meetings of the Board if the failure is due to that employment. A.D. 1936.

17. Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the Board think fit. Notice of vacancies.

18. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place ~~who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.~~ Casual vacancies.

19.—(1) Subject to the provisions of this Act the term of office of chairman of the Board shall be one year. Chairman of Board.

(2) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year.

(3) A chairman or vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(4) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification absence or otherwise another member

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shall be appointed in his place to hold office until the time when the person in whose place he is appointed would in the ordinary course have gone out of office.

First and
subsequent
meetings of
Board.

20. The Board shall hold their first meeting at such place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint provided that the Board shall hold their annual meeting within fourteen days after the thirtieth day of April in every year.

Special
meetings of
Board.

21. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Convening
of meetings.

22. The meetings of the Board shall be convened by the clerk of the Saint Germans Council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence or place of business two clear days at least before the day of the meeting.

Quorum of
meetings.

23. To constitute a meeting of the Board there must be present not less than five of the members of the Board.

Proceedings
at meetings.

24.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

(2) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote.

(3) Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be an equality of votes in choosing the member to

preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall preside.

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25.—(1) Minutes of the proceedings of every meeting shall be drawn up and entered in a book kept for that purpose or printed and kept in the form of a book and copies of or prints of such minutes shall after each meeting be forwarded by the clerk to the clerk of each constituent authority and the minutes shall be approved and when approved signed by the chairman or other member presiding at the next ensuing ordinary meeting.

Minutes of
meetings.

(2) A minute of the proceedings of the Board or of a committee of the Board signed at the next ensuing ordinary meeting by a member of the Board describing himself or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(3) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee of the Board the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

26. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same.

Standing
orders of
Board.

27.—(1) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed.

Committees
of Board.

(2) The provisions of section 96 of the Local Government Act 1933 with respect to proceedings of

A.D. 1936. — committees of a local authority shall apply to committees of the Board as if they were committees of a local authority.

Appoint-
ment of
officers.

28.—(1) The Board may from time to time appoint and remunerate a clerk a manager an engineer a treasurer an accountant and such other officers clerks and servants as they from time to time think requisite and every such clerk manager engineer treasurer accountant and other officer clerk or servant shall hold office upon the terms on which he was appointed by the Board.

(2) No member of the Board or of either of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

Acts not
invalidated.

29. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

Expenses of
attending
meetings.

30. The Board may defray any expenses necessarily incurred by members of the Board or of any committee thereof in attending meetings of the Board or any committee of the Board or in travelling by direction of the Board or of any such committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the Board or such committee.

Provision
in event of
alteration
of districts.

31. If at any time the boundaries of the district of either of the constituent authorities are altered or the whole or any part of either district is created or included in a municipal borough then and in every such case the Minister may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act but the Minister shall not make such an order until he has held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Minister may direct and an opportunity has been given to any person who appears to the Minister to be affected of stating any objections he may have thereto.

32. If at any time any difference arises between the Board and either of the constituent authorities respecting any matter arising out of the provisions of this Act the same shall be referred to arbitration in the manner provided by the Public Health Act 1875 the provisions of which shall apply with the necessary modifications as if the Board and the constituent authority were parties within the meaning of those provisions.

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Arbitration.

PART III.

WATERWORKS.

33.—(1) Subject to the provisions of this Act the Board may wholly in the county of Cornwall and in the lines and situation and upon in or under 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 water-
works.

Work No. 1 An intake and weir (No. 1) partly in the parish of Saint Cleer in the rural district of Liskeard and partly in the parish of Altarnun in the rural district of Launceston to be constructed across the Rushyford Brook (otherwise the Rushy Brook) at a point 48 chains or thereabouts measured in a direct line in a westerly direction from the confluence of that brook and the Withey Brook;

Work No. 2 An intake and weir (No. 2) partly in the said parish of Saint Cleer and partly in the parish of North Hill in the rural district of Launceston to be constructed across the said Withey Brook at a point 43 chains or thereabouts measured in a direct line in a south-easterly direction from the confluence of that brook and the said Rushyford Brook (otherwise the Rushy Brook);

Work No. 3 A conduit or line or lines of pipes (No. 1) partly in the said parish of Saint Cleer partly in the said parish of North Hill and partly in the said parish of Altarnun commencing in Work No. 1 and terminating at a point 13 chains or thereabouts measured in a direct line in a

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north-easterly direction from the confluence of the said Rushyford Brook (otherwise the Rushy Brook) and Withey Brook;

Work No. 4 A conduit or line or lines of pipes (No. 2) situate wholly in the said parish of North Hill commencing in Work No. 2 and terminating by a junction with Work No. 3 (Conduit No. 1) at its point of termination;

Work No. 5 An access road (Road No. 1) situate partly in the said parish of Saint Cleer partly in the said parish of North Hill and partly in the said parish of Altarnun and commencing by a junction with the existing road from Stonyford to Tresellern Farm at the northern corner of inclosure No. 1133 on the 1/2500 Ordnance map Cornwall sheet XXII.5 (edition of 1906) and terminating in Work No. 1 before described;

Work No. 6 An access road (Road No. 2) situate wholly in the said parish of North Hill and commencing by a junction with Work No. 5 (Road No. 1) at a point 13 chains or thereabouts measured in a direct line in a north-easterly direction from the confluence of the said Rushyford Brook (otherwise the Rushy Brook) and Withey Brook and terminating in Work No. 2 before described;

Work No. 7 A conduit or line or lines of pipes (No. 3) commencing in the said parish of North Hill at the termination of Works Nos. 3 and 4 (Conduits Nos. 1 and 2) and terminating in the parish of Callington in the rural district of Saint Germans in Work No. 8 hereinafter described;

Work No. 8 A tank or service reservoir situate in the said parish of Callington in the inclosure No. 838 on the 1/2500 Ordnance map Cornwall sheet XXIX.6 (edition of 1906);

Work No. 9 A conduit or line or lines of pipes (No. 4) commencing in the said parish of Callington in Work No. 8 and terminating in the parish of Morval in Work No. 10 hereinafter described;

Work No. 10 A tank or service reservoir situate wholly in the said parish of Morval in the rural district of Liskeard in the inclosure No. 481 on the 1/2500 Ordnance map Cornwall sheet XLIV.7 (edition of 1907); A.D. 1936.

Work No. 11 A conduit or line or lines of pipes (No. 5) commencing in the said parish of Morval in Work No. 10 and terminating in the urban district of Looe at a point on the road from Saint Martin to the Barbican 8 chains or thereabouts south of the junction of Hay Lane with the said road;

Work No. 12 A tank or service reservoir situate wholly in the said urban district of Looe in the inclosure No. 790 on the 1/2500 Ordnance map Cornwall sheet LIII.2 (edition of 1907);

Work No. 13 A conduit or line or lines of pipes (No. 6) commencing in the said parish of Callington in Work No. 8 and terminating in the parish of Landulph in the rural district of Saint Germans on the quay at the eastern termination of the main road through Cargreen;

Work No. 14 A conduit or line or lines of pipes (No. 7) commencing by a junction with Work No. 13 (Conduit No. 6) at a point in the said parish of Callington 24 chains or thereabouts west of Harrowbarrow Mill and terminating in the parish of Calstock in the rural district of Saint Germans in the existing service tank of the Saint Germans Council in the inclosure No. 904 on the 1/2500 Ordnance map Cornwall sheet XXIX.8 (edition of 1906);

Work No. 15 A conduit or line or lines of pipes (No. 8) situate wholly in the parish of Saint Dominick in the rural district of Saint Germans commencing by a junction with Work No. 13 (Conduit No. 6) at the entrance to Kelly Park and terminating at the road junction 11 chains or thereabouts east from Saint Dominica's Church;

Work No. 16 A conduit or line or lines of pipes (No. 9) situate wholly in the parish of Botus Fleming in the rural district of Saint Germans

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commencing by a junction with Work No. 13 (Conduit No. 6) at the junction of Bicton Lane and the Saltash to Callington road and terminating at the point where the said Saltash to Callington road crosses the southern boundary of the said parish;

Work No. 17 A conduit or line or lines of pipes (No. 10) commencing in the parish of Saint Mellion in the rural district of Saint Germans by a junction with Work No. 9 (Conduit No. 4) at a point 14 chains or thereabouts east of the clapper bridge over the river Lynher and terminating in the parish of Pillaton in the rural district of Saint Germans at the cross roads adjoining Saint Odulphus's Church at Pillaton;

Work No. 18 A conduit or line or lines of pipes (No. 11) situate wholly in the parish of Quethiock in the rural district of Saint Germans commencing by a junction with Work No. 9 (Conduit No. 4) at the road junction 12 chains or thereabouts north of Saint Petroc's Church at Blunts and terminating at the cross roads 8 chains or thereabouts north west of Saint Hugh's Church at Quethiock;

Work No. 19 A conduit or line or lines of pipes (No. 12) situate wholly in the parish of Saint Germans commencing by a junction with Work No. 9 (Conduit No. 4) at the road junction 20 chains or thereabouts north west of Tideford Cross and terminating in the existing intake of the Saint Germans Council at Gallery Lane;

Work No. 20 A conduit or line or lines of pipes (No. 13) commencing in the said parish of Saint Germans by a junction with Work No. 19 (Conduit No. 12) at a point 5 chains or thereabouts north of Saint Luke's Church at Tideford and terminating in the parish of Landrake with Saint Erney in the rural district of Saint Germans at a point 12 chains or thereabouts east of the cross roads in Landrake village;

Work No. 21 A conduit or line or lines of pipes (No. 14) situate wholly in the said parish of Saint Germans commencing by a junction with Work No. 9 (Conduit No. 4) at a point 22 chains or thereabouts north of Budge's shop and terminating in Work No. 22 hereinafter described; A.D. 1936.

Work No. 22 A tank or service reservoir situate in the said parish of Saint Germans in inclosure No. 2000 on the 1/2500 Ordnance map Cornwall sheet XLV.13 (edition of 1906);

Work No. 23 A conduit or line or lines of pipes (No. 15) commencing in the said parish of Saint Germans in Work No. 22 and terminating in the parish of Rame in the rural district of Saint Germans in the existing reservoir of the Saint Germans Council 7 chains or thereabouts north of Saint Germanus's Church;

Work No. 24 A conduit or line or lines of pipes (No. 16) situate wholly in the said parish of Saint Germans commencing by a junction with Work No. 23 (Conduit No. 15) at the cross roads at Triffle and terminating in the existing intake at Tregunnus Lake;

Work No. 25 A conduit or line or lines of pipes (No. 17) situate wholly in the parish of Sheviock in the rural district of Saint Germans commencing by a junction with Work No. 23 (Conduit No. 15) at the cross roads at Crafhole and terminating in the village of Sheviock at the point where Horsepool Lane joins the Torpoint-Liskeard road;

Work No. 26 A conduit or line or lines of pipes (No. 18) commencing in the parish of Antony in the rural district of Saint Germans at the existing reservoir of the Saint Germans Council at Antony and terminating in the parish of Saint John at a point opposite the Methodist Chapel at Saint John.

(2) In addition to the foregoing works the Board may upon the said lands make and maintain all such cuts channels wells catchwaters pumphouses tunnels pipes tanks gauges filter beds overflows shafts adits bores

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aqueducts culverts conduits mains drains sluices banks walls bridges roads ways embankments piers 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 but nothing in this subsection shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

(3) The construction or provision whether before or after the passing of this Act by a constituent authority of any of the works authorised by this section or of any part of such works is hereby sanctioned and confirmed and the Board may by agreement purchase from a constituent authority and a constituent authority may sell to the Board any of such works or any part of such works.

Limits of
deviation.

34. In the construction of the works authorised by this Act the Board 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 except where any of the said works will pass over or under the railway of any railway company in which case no such vertical deviation shall be made without the consent of the company deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards :

Provided that 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.

Temporary
stopping of
streets.

35.—(1) The Board during and for the purpose of the execution of the works authorised by this Act may temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

(2) The Board shall provide reasonable access for foot-passengers bona fide going to or from any such house.

[26 GEO. 5. &
1 EDW. 8.]

South East Cornwall
Water Board Act, 1936.

[Ch. xxx.]

(3) The Board shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic bona fide to or from any railway station or depot in the neighbourhood of the street.

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(4) The powers of this section shall not be exercised in reference to a county road or county bridge without the consent of the county council but such consent shall not be unreasonably withheld if there is an alternative route available.

36. Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of their waterworks or for any purposes of this Act the waters of the Rushyford Brook (otherwise the Rushy Brook) and Withey Brook and their respective tributaries and all such springs streams and waters as may be intercepted by the intakes and weirs (Work No. 1 and Work No. 2) authorised by this Act or as may be situate or flowing upon any of the lands shown on the deposited plans as within the limit of land to be acquired for such works.

Power to
take waters.

37.—(1) If the works authorised by this Part of this Act are not completed within the period of five years from the thirty-first day of December one thousand nine hundred and thirty-six then subject to the provisions of subsection (2) of this section 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.

Period for
completion
of works.

(2) Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require but the laying down of any additional lines of pipes in any county road or over any county bridge shall only take place at such time or times of the year as the county council may reasonably approve and subject to such terms and conditions as the county council may reasonably require.

38.—(1) The Board shall not take any water from the Rushyford Brook (otherwise the Rushy Brook) by means of Work No. 1 by this Act authorised except when

Restrictions
on taking
water.

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— water is flowing in the brook immediately below the said Work No. 1 at a rate of not less than one hundred thousand gallons in twenty-four hours.

(2) The Board shall not take any water from the Withey Brook by means of Work No. 2 by this Act authorised except when water is flowing in the brook immediately below the said Work No. 2 at a rate of not less than one hundred thousand gallons in twenty-four hours.

(3) The Board shall not take any water from the said Rushyford Brook (otherwise the Rushy Brook) or the said Withey Brook by means of the said works except when water is flowing in the said brooks immediately below the said respective works at rates which amount together to a rate of not less than five hundred thousand gallons in twenty-four hours.

(4) The Board shall not in any one day of twenty-four hours upon which water is abstracted take from the said Rushyford Brook (otherwise the Rushy Brook) and the said Withey Brook a greater quantity of water than eight hundred thousand gallons.

(5) For the purpose of measuring the quantity of water taken by the Board from time to time under the provisions of this Act and for the purpose of measuring the quantity of water which by this section the Board are required to permit to pass down the Rushyford Brook (otherwise the Rushy Brook) and Withey Brook the Board shall before taking diverting or appropriating any such water erect and maintain at or near Work No. 1 and Work No. 2 by this Act authorised proper and sufficient automatically recording measuring gauges meters or orifices over or through which respectively the waters so taken diverted or appropriated and the waters so flowing shall pass.

(6) The said gauges and meters and the records obtained by means thereof shall be open to the examination of all persons interested in the flow of the said respective brooks including the Tamar and Plym Fishery Board or their duly accredited representatives and such persons or representatives as aforesaid may take copies of the said records if they so desire.

(7) The design of the said gauges or meters shall be such as may be agreed between the Minister of Agriculture

and Fisheries and the Board or as failing such agreement shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the said Minister or the Board.

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(8) If after commencing to take water from the said brooks or either of them the Board shall be guilty of any breach of any of the provisions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons injuriously affected by such breach (including the Tamar and Plym Fishery Board) who shall sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person.

(9) If after commencing to take water from the said brooks or either of them the Board shall be guilty of any breach of the provisions of subsection (3) of this section relating to restrictions on taking water they shall for every day during which such breach continues forfeit and pay to Major Edward Francis Stanhope Rodd or other the owner for the time being of the site of the mansion house known as Trebartha Hall who may sue for and recover the same a daily penalty of twenty pounds such penalty to be in addition to any penalties or rights he may be entitled to under the last preceding subsection hereof.

(10) Before commencing to take water from the Rushyford Brook (otherwise the Rushy Brook) or the Withey Brook or any tributary thereof by means of Work No. 1 or Work No. 2 (as the case may be) by this Act authorised the Board shall pay to the Tamar and Plym Fishery Board the sum of one thousand five hundred pounds to be applied by them in conserving and improving the fisheries of the Tamar and Plym Fishery District Until the payment of the said sum the Board shall also pay to the said fishery board interest thereon at the rate of three and one half per centum per annum by quarterly payments in advance from the date of commencement of any works by this Act authorised.

(11) The Board shall be relieved of any obligation or liability under section 19 of the Salmon and Freshwater Fisheries Act 1923 to provide attach and maintain a fish pass or fish passes or similar apparatus in connection with any works by this Act authorised.

13 & 14
Geo. 5. c. 16.

A.D. 1936.

Board may
provide
gauges.

39.—(1) The Board may provide place and maintain at any point or points in the Rushyford Brook (otherwise the Rushy Brook) and Withey Brook and above or below the respective intakes authorised by the section of this Act of which the marginal note is “Power to make waterworks” such gauges and other apparatus for measuring the flow of the brook as they may consider necessary.

(2) The said gauges shall be erected and maintained to the approval of the Minister of Agriculture and Fisheries and in such manner as to interfere as little as reasonably possible with the natural flow of the Rushyford Brook (otherwise the Rushy Brook) and the Withey Brook and with the passage of fish up and down the said brooks.

(3) If any difference arises between the Board and the Tamar and Plym Fishery Board or any person interested therein with respect to the state of repair or condition of any gauge such difference shall be referred to the arbitration of an engineer to be nominated unless otherwise agreed on the application of either of them by the President of the Institution of Civil Engineers.

Limited
powers of
Board to
abstract
water.

40. The Board 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.

Byelaws for
preventing
pollution of
water.

41.—(1) The Board may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the area defined in the byelaws being the whole or part of the areas from or through which the said waters flow.

(3) Any landowner who may be affected by any such byelaw shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

[26 GEO. 5. &
1 EDW. 8.]

South East Cornwall
Water Board Act, 1936.

[Ch. xxx.]

(4) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed they shall be in force :

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Provided that such approval shall not be necessary where in the opinion of the Minister it has been unreasonably withheld.

(5) The provisions of sections 250 to 252 of the Act of 1933 so far as they apply to byelaws made by a local authority shall apply to all byelaws made by the Board under the powers of this section as if the Board were a local authority within the meaning of that Act.

(6) The Board shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889 and the Arbitration Act 1934.

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Board without the consent in writing of the Attorney-General.

42.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Board the Board may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud silt or offensive matter and from matter injurious to fish or spawn or spawning beds or food of fish.

Discharge of
water into
streams.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and

A.D. 1936. — shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889 and the Arbitration Act 1934.

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

Power to Board to exercise powers of a local authority with respect to laying of mains.

43.—(1) It shall be lawful for the Board to exercise within the district of the Board the like powers with respect to the laying of mains and pipes as are exercisable by a local authority under the provisions of the Public Health Act 1875 with respect to the laying of mains and pipes within their district for the purpose of water supply (including section 308 of the said Act):

Provided that with respect to the breaking up under the powers of this subsection for the purpose of laying pipes of any street vested in or repairable by any highway authority nothing in this section shall relieve the Board from any obligation or restriction to which they may be subject under the provisions with respect to the breaking up of streets for the said purpose of the Waterworks Clauses Act 1847.

(2) For the purposes of this section the Board shall be deemed to be a local authority supplying water within their district which district shall be deemed to be co-extensive with the district of the Board.

Telephonic wires and apparatus in streets.

44. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets the Board may for the purposes of effecting telegraphic or telephonic communication between to or from the Board's works and offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath (a) within the rural district of Saint Germans and the urban district of Looe or (b) in which any mains pipes or apparatus of the Board may be constructed or laid under the powers of this Act.

[26 GEO. 5. &
1 EDW. 8.]

South East Cornwall
Water Board Act, 1936.

[Ch. xxx.]

45. Any electric wire telegraphs telephones or other apparatus or appliances laid down or maintained by the Board 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.

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For protec-
tion of
Postmaster-
General.

31 & 32 Vict.
c. 110.

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

For pre-
vention of
plumbism.

(2) If at any time it shall appear to the medical officer of health for the county of Cornwall that any water supplied by the Board is liable to act upon lead in such manner as to endanger the health of the consumer the Board shall upon being required so to do by the county council forthwith treat any water so supplied so as to prevent such action Provided that if any difference arises between the Board and the county council with respect to any requirement made under this subsection the difference shall be determined by the Minister on the application of either of the parties.

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

(4) The local authority for any district situate wholly or partly within the limits of supply and the county council may take proceedings to enforce the provisions of this section and for the recovery of penalties thereunder.

47. Nothing in this Act contained authorises the Board—

For protec-
tion of War
Depart-
ment.

(1) to take enter upon use or interfere with any land soil or water or any right in respect thereof

A.D. 1936.

for the time being vested in or in the occupation of or exercised or exercisable by His Majesty's Principal Secretary of State for the War Department (hereinafter called the "Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing under his hand which consent the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Board; or

- (2) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exercisable by the Secretary of State without such consent as aforesaid.

Saving
rights of
Duchy of
Cornwall.

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

For protec-
tion of
Great
Western
Railway
Company.

49. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed in writing between the Great Western

Company and the Board apply and have effect (that is .A.D. 1936.
to say) :—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Board by this Act authorised which may be situate upon across over under or in any way affect the railway or works of the Great Western Company the same shall be done by and in all things at the expense of the Board except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Great Western Company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :
- (2) All such works shall be constructed executed and maintained so as not to cause any injury to the railway or works of the Great Western Company or any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Board or by reason of the failure of the Board to maintain such works or if any bursting leakage or failure of the works of the Board under or near to any railway or works of the Great Western Company shall cause any injury to such railway or works the Board shall make compensation to the Great Western Company for and in respect thereof (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed

A.D. 1936.

by the Great Western Company in or about such works):

- (3) In the event of the Board failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the Great Western Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the Great Western Company may make good the same and make and do in and upon as well the lands of the Board as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Board:
- (4) The Board shall not under the powers of this Act acquire compulsorily any lands of the Great Western Company:
- (5) The Board or the constituent authorities (as the case may be) shall not without the previous consent of the Great Western Company exercise the powers conferred on them respectively by the sections of this Act of which the marginal notes are—

“Telephonic wires and apparatus in streets”; or

“Meters in streets to measure water or detect waste”;

in respect to any street which is the property of the Great Western Company but such consent shall not be unreasonably withheld:
- (6) If the Great Western Company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Board may have been constructed or laid the Great Western Company may after giving to

the Board fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the said works of the Board across over or under their railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that any works executed by the Great Western Company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Board and to the reasonable satisfaction of the Board:

A.D. 1936.

- (7) Any additional expense which the Great Western Company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Board laid or executed under the powers of this Act upon across over or under the same shall be paid by the Board:
- (8) Any difference arising between the Board and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

50. For the protection of the Southern Railway Company (hereinafter referred to as "the Southern Company") the following provisions shall unless otherwise

For protec-
tion of
Southern
Railway
Company.

A.D. 1936. — agreed in writing between the Southern Company and the Board apply and have effect (that is to say):—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Board by this Act authorised which may be situate upon across over under or in any way affect the railway or works of the Southern Company the same shall be done by and in all things at the expense of the Board except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Southern Company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof:
- (2) All such works shall be constructed executed and maintained so as not to cause any injury to the railway or works of the Southern Company or any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Board or by reason of the failure of the Board to maintain such works or if any bursting leakage or failure of the works of the Board under or next to any railway or works of the Southern Company shall cause any injury to such railway or works the Board shall make compensation to the Southern Company for and in respect thereof (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the Southern Company in or about such works):

(3) In the event of the Board failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the Southern Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the Southern Company may make good the same and make and do in and upon as well the lands of the Board as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Board: A.D. 1936.
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(4) The Board shall not under the powers of this Act acquire compulsorily any lands of the Southern Company:

(5) The Board or the constituent authorities (as the case may be) shall not without the previous consent of the Southern Company exercise the powers conferred on them respectively by the sections of this Act of which the marginal notes are—

“Telephonic wires and apparatus in streets”; or

“Meters in streets to measure water or detect waste”;

in respect to any street which is the property of the Southern Company but such consent shall not be unreasonably withheld:

(6) If the Southern Company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Board may have been constructed or laid the Southern Company may after giving to the Board fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the said works of the Board across over or under their

A.D. 1936.
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railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that any works executed by the Southern Company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Board and to the reasonable satisfaction of the Board :

- (7) Any additional expense which the Southern Company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Board laid or executed under the powers of this Act upon across over or under the same shall be paid by the Board :
- (8) Any difference arising between the Board and the Southern Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

PART IV.

LANDS.

Power to
acquire
lands.

51. Subject to the provisions of this Act the Board may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

52. Notwithstanding anything contained in this Act or shown on the deposited plans—

- (a) the Board shall not be entitled to purchase the fields numbered 10 and 11 on the said plans in the parish of Linkinhorne or the fields numbered 14 15 and 16 on the said plans in the parish of Quethiock but the county council shall if so required by the Board grant to the Board an easement under the said lands or any of them for the purpose of making and maintaining the works numbered 7 and 9 authorised by this Act or either of them in such positions as the county council may reasonably direct and any difference which may arise between the county council and the Board with regard to the position of either of the said works under the said lands or any of them shall be determined by a single arbitrator to be agreed upon between the county council and the Board or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such determination; and
- (b) the Board shall not take or interfere with the bridge in the parish of North Hill in the rural district of Launceston known as Beriow Bridge numbered 64 in the said parish on the deposited plans.

A.D. 1936.

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For protec-
tion of
Cornwall
County
Council.

53. The powers of the Board 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-six.

Period for
compulsory
purchase of
lands.

54. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Cornwall for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose

Correction
of errors in
deposited
plans and
book of
reference.

A.D. 1936.

from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands affected are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with the certificate.

Acquisition
of ease-
ments.

55.—(1) The Board 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 and rights in such lands as they may require for such purposes including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Board have acquired easements and rights only under the provisions of this section the Board 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 and rights have the same rights to use and cultivate the said lands as if this Act had not passed.

For protec-
tion of
Major E. F.
S. Rodd.

56. Notwithstanding anything in this Act or shown upon the deposited plans and sections the following provisions for the protection of Major Edward Francis Stanhope Rodd or other the owner or owners for the time being (in this section called "the owner") of the lands

numbered on the deposited plans 3 to 5 in the parish of Altarnun in the rural district of Launceston and such part of the land numbered 2 on the deposited plans in the said parish of Altarnun as lies outside the limits of deviation on the deposited plans of Work No. 1 and the lands numbered 1 to 5 14 to 18 20 33 to 53 55 to 63 65 and 65A and 75 in the parish of North Hill in the rural district of Launceston and such parts of the lands numbered 6 19 21 22 and 25 in the said parish of North Hill as lie outside the limits of deviation on the deposited plans of land to be acquired for works numbered 2 and 7 on the deposited plans (in this section referred to as "the said lands") or of any part of those lands shall except so far as may be otherwise agreed in writing between the Board and the owner apply and have effect:—

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- (1) The Board shall not acquire any part of the said lands but they may acquire such easements or rights in the said lands as may be requisite for the construction maintenance user extension enlargement alteration and renewal of the works authorised by this Act and of any subsidiary or other works in connection therewith so authorised. The consideration to be paid for the easements or rights to be acquired by the Board in pursuance of this subsection shall if not agreed between the Board and the owner be determined in manner provided by the Lands Clauses Acts :
- (2) The provisions of the section of this Act of which the marginal note is "Acquisition of easements" shall apply in respect of the acquisition of any easement under subsection (1) of this section as if such easement were acquired under the first herein mentioned section :
- (3) Within six months of the passing of this Act the Board shall enter into an agreement the draft of which is set out in the Second Schedule hereto subject to such modifications (if any) as may be agreed between the parties thereto in writing and the Board are hereby empowered to execute and do all such deeds and things as may be necessary for carrying the same into effect.

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Owners may
be required
to sell parts
only of
certain
lands and
buildings.

57. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Board of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Board and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Board or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" ;
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Board that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Board such portion only without the Board being obliged or compellable to purchase the whole the Board paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Board allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Board have compulsory powers of purchase) can be so severed :

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- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Board the portion so determined to be severable without the Board being obliged or compellable to purchase the whole the Board paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Board may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Board in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Compensation in case of recently acquired interest.

58. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November nineteen hundred and thirty-four if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under the Act.

Extinction of private rights of way.

59.—(1) All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall to the extent to which the Board shall by restriction so determine as from the date of the acquisition of such lands be extinguished.

(2) Provided that the Board shall make compensation to all parties interested in respect of any such rights so determined and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

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

60. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and

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1 EDW. 8.]

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buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings. A.D. 1936.

61. At any time after notice to treat has been served for any land which the Board are by this Act authorised to purchase compulsorily the Board 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 powers of entry.

62.—(1) The Board in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the undertaking (including the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Board deem necessary for their purposes. Power to purchase additional lands by agreement.

(2) Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

(3) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under

A.D. 1936. — across or along any street or road 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.

(4) The Board may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Board or by the 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 Board are for the time being authorised to take.

Persons
under
disability
may grant
easements
&c.

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

Reservation
of water
rights &c.
on sale.

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

Power to
retain sell
&c. lands.

65.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Board may retain hold and use for such time 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 in case of sale either in consideration of the execution of works

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or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other Act or Order relating to the undertaking 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.

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(2) The Board 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.

(3) 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 Board in any case in which such consent would be required if this Act had not been passed.

(4) Nothing in this section contained shall release the Board 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 conveyed or leased to or otherwise acquired by the Board or any person from or through whom the Board may have derived title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be 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.

66. The Board 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 powers of this Act in the purchase of other lands

Proceeds of
sale of sur-
plus lands.

A.D. 1936. — but as to capital moneys so received and not so applied the Board shall apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister; or
- (b) in such other manner as may be approved by the Minister.

PART V.

APPORTIONMENT AND SUPPLY OF WATER.

Apportionment of water.

67. As soon as the Board are able to supply water to the constituent authorities from the works authorised by this Act each of the constituent authorities shall be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours one-half of the total quantity of water at the disposal of the Board in such day.

Contracts for supplying water in bulk.

68. The Board may enter into and carry into effect agreements with any local authority company or person for the supply of water to such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of the local authority and of any company corporation or person supplying water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water within the districts of the constituent authorities.

PART VI.

SUPPLY OF WATER BY CONSTITUENT AUTHORITIES.

Supply of water by constituent authorities.

69. Subject to the provisions of this Act the provisions of the Public Health Acts shall apply to the supply of water by each of the constituent authorities within their respective districts.

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70.—(1) When the constituent authorities are in a position to supply water obtained from the works by this Act authorised each constituent authority which shall furnish a sufficient supply of water for domestic purposes to any premises shall be entitled to charge at a rate per annum not exceeding fifteen per centum upon the net annual value of the premises so supplied :

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Rates for
supply of
water for
domestic
purposes.

(2) Provided that the constituent authority shall not be required to supply any premises with water at a less sum than seven shillings and sixpence per annum.

(3) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues :

Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the constituent authority may charge in respect of every fixed bath capable of containing not more than seventy-five gallons and of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than seventy-five gallons a sum not exceeding ten shillings per annum and for every such bath capable of containing more than seventy-five gallons such sum as the constituent authority may think fit such additional sum shall be payable at the same dates and to be recoverable in all respects with and in the same manner as the water rate :

Provided that no additional charge shall be made in respect of the first fixed bath on any premises which is not capable of containing more than seventy-five gallons.

71.—(1) The constituent authorities shall have and shall be deemed always to have had power to provide a stand-pipe or stand-pipes for the purpose of the supply of water to premises situate within their respective districts.

As to supply
of water by
stand-pipes.

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(2) Where the constituent authorities have provided a stand-pipe or stand-pipes in pursuance of the powers conferred by subsection (1) of this section they may recover water rates from the owner or occupier of any premises within two hundred feet of any such stand-pipe in the same manner in all respects as if the supply had been given on the premises Provided that—

- (a) the rates so recoverable shall be not less than ten per centum per annum less than the rates which would otherwise be recoverable under the powers of this Act; and
- (b) if any such premises have within a reasonable distance and from other sources a supply of wholesome water sufficient for the consumption and use of the occupiers thereof no water rates shall be recoverable from the owner or occupier of the premises unless and until the water supplied by means of any such stand-pipe is used by any such occupier.

(3) Neither of the constituent authorities shall place any stand-pipe or stand-pipes in any county road or upon any county bridge except in such position as the county council may approve and such approval may be given subject to such reasonable terms and conditions as the county council may think fit to impose.

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

72.—(1) When water of the constituent authority 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 constituent authority may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding thirty 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 constituent authority may prescribe.

(2) Any sum chargeable under the provisions of this section shall be in addition to the rates authorised by this Act for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as water rates.

73.—(1) The constituent authority 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.

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

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

74.—(1) Where the net annual value of a house supplied with water does not exceed ten pounds or the 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 constituent authority 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.

Rates
payable by
owners of
small
houses.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or

A.D. 1936. — agreement whether made before or after the passing of this Act.

Rates payable by owners in certain cases.
15 & 16
Geo. 5. c. 90.

75.—(1) If and so long as any direction given by a resolution of either of the constituent authorities passed under subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 is in force in the constituent area of that authority the section of this Act of which the marginal note is “ Rates payable by owners of small houses ” shall cease to have effect in that constituent area and in lieu thereof the provisions of subsections (2) and (3) of this section shall have effect.

(2) With respect to every house or part of a house which is included in the class defined by the said resolution of the constituent authority and is supplied with water by the constituent authority the owner instead of the occupier shall (if the constituent authority so determine) pay the rate for the supply of water 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 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 on him of a notice to pay the rate The provisions of this subsection shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

(3) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of subsection (2) of this section by the owner of any house or part of a house as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supply by measure.

76. The constituent authority may supply water for other than domestic purposes on such terms and conditions as the constituent authority 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 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.

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77. 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 constituent authority 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 fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Price of
supply by
measure.

78. Notwithstanding anything contained in the sections of this Act of which the marginal notes are respectively "Supply of water to houses partly used for trade &c." "Supply by measure" and "Price of supply by measure" the constituent authority concerned shall on demand in writing by the county council within the limits of supply afford to the county council such a supply of water for any public purpose as may be reasonably required by the county council at a price not exceeding eighteen pence per one thousand gallons Provided that the county council shall pay in respect of every supply so demanded a minimum sum not exceeding twenty-five shillings in any quarter of a year.

Supply of
water for
public pur-
poses within
limits of
supply.

79.—(1) Where a person who takes a supply of water for domestic purposes from either of the constituent authorities otherwise than by measure desires to use any of the water so supplied for—

Charges for
supplies for
refrigerating
apparatus
&c.

- (a) a water cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

either of the constituent authorities may if they think fit require that all water so used shall—

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

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—

(ii) be paid for at such rates as may be agreed between such person and either of the constituent authorities.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

Special
terms for
supplies to
caravans
&c.

80.—(1) Notwithstanding anything in this or any other Act relating to the Board contained a constituent authority before supplying water to any caravan shack hut tent or other like structure may require the owner or occupier thereof to enter into an agreement with the constituent authority to take a supply of water by meter and to pay to the constituent authority 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 constituent authority 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.

Revision of
water rates.

81. The Minister may if he thinks fit from time to time on the application of either of the constituent authorities or of twenty consumers of water within the district of the constituent authority by order vary either by way of increase or decrease the rates and charges for the supply of water which the constituent authority is by this Act authorised to charge and such

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order may provide for the alteration of the basis of such rates and charges : A.D. 1936.

Provided that in the absence of exceptional reasons the Minister shall not alter the maximum rates charges and prices at less intervals than every five years.

82.—(1) Notwithstanding anything in section 70 of the Waterworks' Clauses Act 1847 the constituent authority may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and the first day of October respectively.

Dates for
payment of
water rates.

(2) Every person liable to the payment of such rates rents or charges who shall remove from the premises in respect of which the rates rents or charges are paid during any part of the period for which the rates rents or charges are payable shall not be liable for any part of such rates rents or charges after the day on which he quits the said premises and if any such person shall have paid any rates rents or charges for any period for which he is not liable he shall be entitled to repayment thereof by the constituent authority.

(3) Every person who shall commence to occupy any premises in respect of which a rate rent or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate rent or charge is payable shall pay so much of such rate rent or charge as is proportionate to the period for which he occupies the premises.

83.—(1) The constituent authority 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.

Discount
for prompt
payment of
water rates.

(2) Provided that—

(a) such discounts or rebates shall not be made where the person paying the said rates for the supply of water is an owner who is entitled to any allowance for which provision is made

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by the section of this Act of which the marginal note is "Rates payable by owners in certain cases"; and

(b) such discounts or rebates shall be at the same rate under like circumstances to all consumers.

(3) If and so long as the constituent authority allow such discount or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Recovery of rates from persons removing.

84. If a justice be satisfied on complaint by any collector of water rates due to the constituent authority that any person is quitting or about to quit any premises to which the constituent authority supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Cisterns.

85. Each of the constituent authorities may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the constituent authorities shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Period of error in defective meters.

86.—(1) Where water is supplied by meter the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the constituent authority.

(2) Provided that if the constituent authority and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined

upon the application of either party 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 such court shall be final and binding on all parties.

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(3) If any meter on being tested is proved to register incorrectly to any material degree—

(a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the constituent authority unless it is proved to have begun to register incorrectly to that degree on some later date; and

(b) the amount of any refund to be made to or of any extra payment to be made by the consumer shall be paid by the constituent authority or by the consumer as the case may be and in the case of an extra payment may be recovered in the like manner as a water rate.

87. The constituent authority may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

88. Before any person connects or disconnects any meter by means of which any of the water of the constituent authority is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the constituent authority 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 or person authorised by the constituent authority and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings. Notice to constituent authority of connecting or disconnecting meters.

89.—(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 constituent authority or who fraudulently alters the index to any meter or Injuring meters &c.

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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 constituent authority shall (without prejudice to any other right or remedy for the protection of the constituent authority) be liable to a penalty not exceeding five pounds and the constituent authority may in addition thereto recover the amount of any damage by them sustained.

(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 constituent authority 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 constituent authority the constituent authority 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 constituent authority by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the constituent authority 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.

90.—(1) The constituent authority 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 constituent authority in providing such materials and executing such work shall be paid by the person requiring the same.

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(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 constituent authority as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the constituent authority 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 constituent authority. 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 constituent authority 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);

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

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(c) The total sums expended and received by the constituent authority 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 of each constituent authority.

Notice of
discon-
tinuance.

91. A notice to the constituent authority 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 constituent authority or be given by the consumer personally at the office of the constituent authority.

Byelaws for
preventing
waste &c. of
water.

92.—(1) The constituent authority 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 material 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.

(2) Such byelaws shall apply only in the case of premises to which the constituent authority afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the constituent authority 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 constituent authority as the water rates in respect of the premises are recoverable.

(4) In so far as any byelaws made by a constituent authority prescribe the size nature materials workmanship and strength of water fittings the same shall

not apply to water fittings used on any premises belonging to the Great Western Railway Company or the Southern Railway Company (other than premises to which the constituent authority are bound under the Waterworks Clauses Act 1847 to afford a supply of water for domestic use) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the constituent authority.

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93.—(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 constituent authority 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 constituent authority 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.

Meters in streets to measure water or detect waste.

(2) Provided that the constituent authority 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.

41 & 42 Vict.
c. 76.

94.—(1) The constituent authority 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.

Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the constituent authority 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 constituent authority 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.

95. Notwithstanding anything contained in any Act relating to the constituent authority the constituent authority shall have the exclusive right of executing any

Constituent authority to connect

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communi-
cation pipes
with mains.

works on any of the water mains of the constituent authority for connecting any communication pipe therewith and the constituent authority shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the constituent authority 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 constituent authority in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to
constituent
authority
to repair
communi-
cation pipes.

96.—(1) If it should appear to the constituent authority that by reason of any injury to or defect in any communication pipe which the constituent authority 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 constituent authority 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 constituent authority 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 constituent authority 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.

(2) Provided that except in case of emergency the constituent authority 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 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.

Mainten-
ance of
common
pipe.

97. 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

[26 GEO. 5. &
1 EDW. 8.]

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by the constituent authority in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the constituent authority or other officer duly authorised in that behalf by the constituent authority.

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98.—(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.

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

(2) The constituent authority 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 constituent authority shall be repaid by the owner or occupier with whom the agreement is made.

99. The constituent authority 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 constituent authority 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 constituent authority is laid or fixed and through or in which the supply of water is from any cause other than the default of the constituent authority 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.

Power to
remove
meters and
fittings.

100. The constituent authority may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles for storing water used or likely to be used by man for drinking or domestic

Cleansing of
cisterns.

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purposes or for manufacturing food or drink for the use of man.

Penalty for closing valves and apparatus.

101. Every person who shall wilfully (without the consent of the constituent authority) or negligently close or shut off any valve cock or other work or apparatus belonging to the constituent authority whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the constituent authority) be liable on conviction to a penalty not exceeding five pounds and the constituent authority 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.

Penalty for interfering with valves &c.

102. 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 constituent authority who shall without the authority of the constituent authority turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the constituent authority 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.

Extension of power to inspect premises.

103. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of either of the constituent authorities 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 constituent authority by whom such officer is authorised 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.

Restriction on supply in bulk by constituent authorities.

104. Neither of the constituent authorities shall without the consent of the other supply water obtained by them from the Board to any local authority company or person outside their respective districts.

[26 GEO. 5. &
1 EDW. 8.]

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[Ch. xxx.]

105. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

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Confirming
authority
for byelaws.

PART VII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

106. The Board 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 they shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively 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 for the works authorised by Part III (Waterworks) of this Act.	2,000	Sixty years from the date or dates of borrowing.
(b) The construction or acquisition of the works authorised by Part III (Waterworks) of this Act.	113,000	Fifty years from the date or dates of borrowing.
(c) Working capital - - - -	1,000	Ten years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

107.—(1) The provisions of Part IX (Borrowing) of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Application
of Act of
1933 to
borrowing
of money
by Board.

(a) the Board were a local authority within the meaning of the Act of 1933;

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—

(b) the money so borrowed were borrowed under the said Part IX; and

(c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section :

Provided that it shall not be obligatory on the Board to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) and (b) mentioned in the section of this Act of which the marginal note is "Power to borrow" until the thirty-first day of March next after the completion of the works authorised by this Act or until the expiration of five years from the passing of this Act whichever shall first happen.

(2) The periods mentioned in the third column of the table contained in the said section of this Act of which the marginal note is "Power to borrow" shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

As to
securities of
Board.

108. For the purposes of the definition of "statutory securities" in section 218 (Definitions) of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

Alternative
application
of sinking
fund.

109.—(1) Where the Board are authorised to borrow money for any purpose they may instead of borrowing by the issue of any fresh security in respect thereof use for such purpose wholly or partially any money for the time being forming part of any sinking fund and moneys so used shall for the purposes of Part IX of the Act of 1933 be deemed to be moneys borrowed by the Board. Provided that the Board shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power.

(2) The Board when exercising the powers conferred upon them by this section shall—

(a) withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to

be exercised by the user of moneys from such sinking fund; A.D. 1936.

- (b) credit the sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of such sinking fund;
- (c) debit the account of the borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon such borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of Part IX of the Act of 1933 as to repayment and re-borrowing shall apply thereto accordingly.

(3) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Board shall determine Provided that the amount of the moneys deemed to be discharged in respect of any such borrowing powers shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

110. Either constituent authority may with the consent of the Minister lend to the Board any sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

Power to constituent authorities to lend money to Board.

111.—(1) Before the commencement of every financial year or as soon thereafter as may be practicable the Board shall ascertain and determine the amount of money required by them for all expenditure (other than capital expenditure) which will be incurred during the year for any of the purposes set out in subsection (1) of the section of this Act whereof the marginal note is

Expenditure of Board.

A.D. 1936. — “Application of moneys received by Board” and shall apportion the same between the constituent authorities in accordance with the provisions of this section.

(2) Subject to any agreement which the constituent authorities may and which they are hereby empowered to make the Board shall apportion their expenditure (determined as aforesaid) for every financial year after deducting therefrom the amount of any moneys to be received by the Board under the section of this Act whereof the marginal note is “Contracts for supplying water in bulk” and any other moneys (other than capital moneys) to be received by the Board in respect of the undertaking as to (a) the amount payable for interest or loan charges or sinking fund necessary to repay the capital expenditure of the Board as authorised by this Act and any further capital expenditure of the Board and the expenditure of the Board in repairing and renewing its works and (b) the amounts payable in respect of the rates and taxes leviable on the undertaking of the Board and payable by the Board between the constituent authorities in the proportions following (that is to say):—

The Saint Germans Council two third parts of such expenditure; and

The Looe Council one third part of such expenditure; and (c) all other expenditure of the Board between the constituent authorities in the proportions following (that is to say):—

The Saint Germans Council fifty per centum of such expenditure; and

The Looe Council fifty per centum of such expenditure.

(3) If at the end of any financial year it is shown by the accounts of the Board that the revenues of the Board has been insufficient to meet the expenditure incurred by the Board in that year (other than capital expenditure) the Board shall apportion the amount of the deficiency if and so far as such deficiency shall have arisen under paragraphs (a) and (b) of the last foregoing subsection or under either of such paragraphs as to two third parts of such deficiency to the Saint Germans Council and as to one third part of such deficiency to the Looe Council and if and so far as such deficiency shall

have arisen under paragraph (c) of the last foregoing subsection equally between the Saint Germans Council and the Looe Council. A.D. 1936.

(4) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precept or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amounts so apportioned to them respectively.

(5) If either of the constituent authorities fail to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

- (a) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction;
- (b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rates and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rate and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money

A.D. 1936.
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payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

(6) Any receiver appointed under the Act of 1933 upon the application of the mortgagee of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amount so apportioned.

(7) If at the end of any financial year the accounts of the Board shall show that the revenues received by the Board in that year have exceeded the amount required to meet all the expenditure incurred by the Board in that year (other than capital expenditure) the amount of such surplus after deducting such sum as may reasonably be required for the purpose of providing working capital shall be apportioned by the Board if and so far as such surplus shall have arisen from the revenues received for the purpose of meeting the expenditure of the Board under paragraphs (a) and (b) of subsection (2) of this section or under either of such paragraphs as to two third parts of such surplus to the Saint Germans Council and as to one third part of such surplus to the Looe Council and if and so far as such surplus shall have arisen from the revenues received for the purpose of meeting the expenditure of the Board under paragraph (c) of subsection (2) of this section equally between the Saint Germans Council and the Looe Council and the amounts so apportioned shall be carried forward by the Board in their accounts to the credit of the constituent authorities respectively and the amount so credited to a constituent authority shall be deducted from the sum due by that authority to the Board under this section in the next following financial year.

Application
of moneys
received by
Board.

112.—(1) All moneys received by the Board in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Act and (c) other capital money

received by them in respect of the undertaking shall be applied by them in manner and in the order following (that is to say) :— A.D. 1936.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers clerks or servants in relation to the undertaking;

Secondly In payment of the interest on money borrowed by the Board under this Act;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under this Act;

Fourthly In payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

Fifthly In extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

Sixthly In providing working capital (if the Board think fit);

Lastly In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and investing the same in statutory securities until the fund amounts to a sum equal to ten per centum of the aggregate capital expenditure for the time being on the undertaking The reserve fund shall be applicable from time to time to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part of or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so on as often as the reduction happens All interest received in any year from investments of any reserve fund so formed shall be carried to and shall

A.D. 1936.

form part of the revenue for that year of the Board and may be applied in payment of interest on loans of the Board but the reserve fund shall in that year be increased by a sum equal to the amount of such interest except to the extent that such interest would raise the reserve fund above the prescribed maximum. Provided that resort may from time to time be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(2) All capital moneys received by the Board in respect of the undertaking shall be applied by them in the reduction of the capital moneys borrowed by them under this Act.

Accounts to
be open to
inspection.

113. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member or officer of either of the councils duly authorised in writing for that purpose.

Audit.

114. The accounts of the Board and of their committees and officers shall be subject to audit by a district auditor.

Authenti-
cation and
service of
notices by
Board.

115. Any notice to be served by the Board on a person supplied with water shall be sufficiently authenticated by the signature of the clerk or other officer of the Board for the time being authorised in writing by the Board being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name of either the clerk or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such

notice or a copy thereof upon some conspicuous part of such premises. A.D. 1936.

116. The Board shall for the purposes of the Local Government and other Officers' Superannuation Act 1922 be deemed to be a local authority within the meaning of that Act.

Application of Local Government and other Officers' Superannuation Act 1922.

117.—(1) The Board may if they think it fit in cases not within the Workmen's Compensation Act 1925 and not within the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary or wages) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to grant allowances or gratuities in certain cases.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

118. The Board may pay out of their revenues as expenses incurred by them under this Act—

Subscriptions to associations and payment of certain expenses.

- (a) reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and

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(b) reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water.

As to
breach of
conditions
of consent
of Board or
constituent
authority.

119. Where under any Act or Order from time to time relating to the Board or to a constituent authority the Board or a constituent authority 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.

Agreements.

120. The Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Act.

For further
protection
of Cornwall
County
Council.

121. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the county council and the Board or the constituent authority concerned as the case may be (each of which is in this section referred to as "the undertakers") have effect with respect to the execution of any works authorised by this Act or the exercise of any of the powers of this Act affecting any highway or bridge (that is to say) :—

(1) The provisions of this section are in addition to and not in substitution for the provisions of the Waterworks Clauses Act 1847 (in this section referred to as "the Act of 1847") with respect to the breaking up of streets for the purpose of laying pipes except so far as such last mentioned provisions are expressly varied by the provisions of this section :

(2) In this section—

"highway" means a county road vested in or repairable by the county council;

"bridge" means a bridge vested in or repairable by the county council;

“ apparatus ” includes any line of pipes discharge pipe post wire conductor or other works of the undertakers; A.D. 1936.

“ the surveyor ” means the surveyor to the county council:

- (3) All apparatus to be laid in or along any highway or in or upon or across any bridge shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of the surveyor may reasonably approve:
- (4) The notice required by section 30 of the Act of 1847 to be given to the county council shall (except for laying connecting or repairing communication pipes as to which three days' notice shall be given and except in cases of emergency) be not less than seven days in the case of a highway and not less than fourteen days in the case of a bridge instead of three days:
- (5) The plan required by section 31 of the Act of 1847 shall be accompanied by a section and description of the proposed works and shall (except as aforesaid) be delivered to the surveyor by the undertakers not less than fourteen days before the undertakers commence to interfere with any bridge and not less than seven days before the undertakers commence to open or break up any highway for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31. If the surveyor shall not within fourteen days in the case of a bridge and seven days in the case of a highway after the plan section and description shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (6) The surplus paving metalling or materials arising from the laying renewal or repair of the

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apparatus shall not (so far as may be reasonably practicable) be placed on the metalled portion of any highway or in or upon any bridge without the written consent of the surveyor and subject to such conditions (other than a payment of money) and directions as he may reasonably require or give :

- (7) If the undertakers in the execution of any works in or affecting any highway or bridge shall cause any damage injury or disturbance thereto and shall neglect or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after reasonable notice to the undertakers of the alleged neglect or refusal and of the works they propose to execute to do all works necessary for making good all such damage injury or disturbance and the undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :
- (8) Nothing in this Act shall authorise the undertakers to interfere with the structural part of any bridge without the consent in writing of the surveyor Such consent shall not be unreasonably withheld and may be given upon such conditions as the surveyor may reasonably determine :
- (9) Nothing in this Act contained shall prejudice or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter and improve any highway and to remove alter rebuild widen or repair any bridge in under over or attached to which any apparatus is carried in the same manner as the county council might have diverted improved or removed altered rebuilt widened or repaired any such highway or bridge if this Act had not been passed and such apparatus had not been constructed or laid in under over or attached to such highway

or bridge respectively and the county council shall not make any compensation or payment other than the repayment referred to in proviso (a) (i) to this subsection to the undertakers for any expense or loss to which the undertakers may be put by reason or in consequence of any such diversion improvement removal alteration rebuilding widening or reparation In the event of any such highway or bridge in under over or attached to which any such apparatus is laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such apparatus the undertakers shall as and when requested by the surveyor by not less than fourteen days' notice in writing remove or alter the position of the said apparatus and the works by which the same is carried in under over or attached to any such highway or bridge as aforesaid and replace the same to the reasonable satisfaction of the surveyor :

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Provided that—

(a) the cost of carrying out any works necessary for the purposes of complying with any requirement of the surveyor pursuant to the provisions of this subsection—

(i) in the case of the diversion widening alteration of the levels of or other alteration or improvement of any highway shall be repaid to the undertakers by the county council;

(ii) in the case of the removal alteration rebuilding widening or repair of any bridge shall be borne and paid by the undertakers; and

(b) during any such diversion improvement removal alteration rebuilding widening or reparation of such highway or bridge as aforesaid the county council shall afford to the undertakers all reasonable facilities for temporarily carrying such apparatus along the highway or across any stream or river so as not to interrupt the continuous supply of

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water or to diminish the pressure of such supply through such apparatus and the undertakers may carry such apparatus accordingly :

- (10) All works shall be so executed by the undertakers so far as reasonably practicable as not in any way to impede or interfere with the traffic on any highway or over any bridge :
- (11) All costs charges amounts and expenses payable by the undertakers to the county council under the provisions of this section shall be recoverable as a debt due from the undertakers to the county council :
- (12) The county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any apparatus laid fixed and executed after the passing of this Act in under or along the metalled portion of any highway or of the roadway over a bridge or the approaches thereto arising from the use by the county council of any steam or other roller for the repair of any such highway or of any traction engine not exceeding fifteen tons in weight :
- (13) If any difference at any time arises between the county council and the undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by a single arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such reference to arbitration as aforesaid.

Extension of
section 303
of Public
Health Act
1875 and
section 160
of Act of
1933 to
Board.

122.—(1) Section 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were within the meaning of that section the local authority for a district consisting of the district of the Board and on the application of the Board the Minister may make such orders as he is by that section empowered to make on the application of a local authority.

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(2) The Minister may by means of a Provisional Order made by him and confirmed by Parliament authorise the Board to acquire land compulsorily for any purposes of the undertaking and for that purpose section 160 (Compulsory purchase of land by means of a Provisional Order) of the Act of 1933 shall extend and apply as if the Board were a local authority within the meaning of that section.

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(3) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

123. Section 123 (Disclosure by officers of interest in contracts) section 266 (Contracts of local authorities) and section 277 (Appearance of local authority in legal proceedings) of the Act of 1933 and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875 and the Act of 1933.

Incorporation of sections 123 266 and 277 of Local Government Act 1933 and section 265 of Public Health Act 1875.

124. A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges not disqualified.

125. 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 as if such powers were conferred by and such consents were required to be given under the Act of 1933 and section 290 (Power of Government departments to direct inquiries) of that Act shall apply accordingly.

Inquiries by Minister.

126.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or Special or other statutory Order.

Power to apply for further powers &c.

(2) The Board may pay the cost and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the promotion of or opposition to any such Provisional Order or Special or other statutory

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Order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses Provided that—

- (a) No expenses in relation to the promotion of any such bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in a newspaper circulating in the district in which the works of the Board are situate such notice to be in addition to the ordinary notices required for summoning such meeting;
- (b) No further expenses shall be incurred or paid as aforesaid after the deposit of the bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless in the case of the promotion of a Bill the propriety of such promotion shall have received the approval of the Minister.

Recovery of
penalties
&c.

127. 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.

Penalties to
be paid over
to Board.

128. All penalties recovered on the prosecution of the Board or any officer of the Board on their behalf under this Act or under any byelaw thereunder shall be paid to the Board.

Recovery of
demands.

129. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the

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matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

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130. All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the constituent authorities respectively by the Public Health Acts and such other powers may be exercised in the same manner 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 and provided that in cases where the provisions of this Act conflict with the provisions of the Public Health Acts the former shall prevail.

Powers of
Act cumu-
lative.

131. 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 in the first instance be paid by the councils but shall be repaid to the councils by the Board out of the moneys to be borrowed by them under the powers of this Act.

Costs of Act.

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The SCHEDULES referred to in the
foregoing Act.THE FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on deposited plan.	Description of property.
Parish of North Hill -	31	House and farm buildings in ruins.
	46	Accommodation road.
	47	Farmyard passageway building in ruins and watercourse.
	60	Garden.
	62	Farmyard.
	65	Garden.
	78	Forecourt.
	79	Forecourt.
Parish of Linkinhorne	8	Orchard chicken houses and watercourse.
	16	Kitchen garden.
	18	Stackyard plantation and cattle sheds.
	21	Mill race.
Parish of South Hill -	11	Orchard and garden.
	16	Orchard.
	20	Occupation road.
	21	Yard and kitchen garden.
	22	Orchard chicken houses and shed.
Parish of Callington -	7	Accommodation road and watercourse.
	11	Accommodation road.
	23	Garden.
	24	Garden and sheds.
	24a	Pathway.

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Area.	Numbers on deposited plan.	Description of property.
Parish of St. Mellion -	24 25 26 28	Farmyard farm building and roadway. Plantation. Garden. Occupation road.
Parish of Quethiock -	23 24	Orchard. Garden.
Parish of St. Germans -	20 62 77 88 89	Garden. Orchard. Occupation road. Farmyard pond and public footpath. Occupation road and public footpath.
Parish of Morval - -	12	Field.
Parish of Calstock -	6	Accommodation road.
Parish of St. Dominick	24 25 26	Farmyard farm buildings and public footpath. Orchard and public footpath. Orchard.
Parish of Botus Fleming	5	Garden sheds and well.
Parish of Landrake with St. Erney.	4a	Kitchen garden.
Parish of Shevioc -	6	Garden.
Parish of Antony -	10	Garden.
Parish of St. John -	7 24	Occupation road. Garden.

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THE SECOND SCHEDULE.

AGREEMENT made the _____ day of _____ one thousand nine hundred and thirty-_____ between the SOUTH EAST CORNWALL WATER BOARD (hereinafter called "the Board") of the one part and MAJOR EDWARD FRANCIS STANHOPE RODD (hereinafter called "Major Rodd" which expression shall where the context so admits or allows include his heirs sequels in estate or assigns owner or owners for the time being of the site of the mansion known as Trebartha Hall) of the other part :

WHEREAS Major Rodd is the owner of an estate known as the Trebartha Hall Estate in the county of Cornwall through which the Withey Brook and other streams fed thereby flow for a considerable distance :

And whereas the water of the Withey Brook is used for the purpose of providing power to a saw mill on the said estate and also for the provision of water to certain ornamental ponds and otherwise is important to the amenities of the Trebartha Hall Estate :

And whereas it is apprehended that as the result of the abstraction of the water authorised by the South East Cornwall Water Board Act 1936 there will or may be an inadequate supply of water for working the said mill and there will or may be interference with the amenities of the Trebartha Hall Estate through the diminution in the amount of water available in the Withey Brook and the streams fed thereby :

Now it is hereby agreed as follows:—

1. The Board shall forthwith pay to Major Rodd the sum of two hundred and twenty pounds.

2. The Board will further pay to Major Rodd an annual sum of fifty pounds for five years and thereafter the annual sum of eighty pounds Such sums shall be payable by equal half-yearly payments on the first day of January and first day of July in each year the first payment to be made on the first day of July one thousand and nine hundred and thirty-seven.

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3. In the event of the Board providing adequate compensation water by means of the installation of a reservoir or any other means the aforesaid annual payments shall as from the date of the provision of such compensation water cease.

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In witness whereof the Board has caused its common seal to be hereto affixed and the party hereto of the other part has hereto set his hand and seal the day and year first before written.

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