



CHAPTER xv.

An Act to confer further powers on the corporation of Northampton with reference to their water undertaking to make further provision with respect to the health local government and finance of the borough and for other purposes. [6th August 1943.]

WHEREAS the borough of Northampton (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is subject to the jurisdiction of the mayor, aldermen and burgesses of the borough (in this Act referred to as "the Corporation"):

51 & 52 Vict.
c. 41.

And whereas under the Northampton Corporation Waterworks Act 1884 and subsequent Acts the Corporation are the owners of waterworks and supply water within the borough and other places in the county of Northampton:

47 & 48 Vict.
c. ccviii.

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water undertaking:

And whereas it is expedient that the provisions in regard to the finances of the Corporation which are contained in this Act should be made:

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

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of

which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purchase of lands and easements and the construction of the works authorised by this Act.	593,800
For the provision of new water mains and other waterworks purposes	30,000

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

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

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

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans 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 Northampton and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed:

23 & 24
Geo. 5. c. 51.

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Northampton Corporation Act 1943.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Lands.

Part IV.—Supply of water.

- Part V.—Service pipes.
Part VI.—Streets and buildings.
Part VII.—Sewers drains &c.
Part VIII.—Finance.
Part IX.—Miscellaneous.

PART I
—cont.

3.—(1) 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 hereby incorporated with this Act (namely):—

Incorporation
of general
Acts.

(a) The Lands Clauses Acts subject to the following modifications:—

(i) Where any land compulsorily acquired is glebe or other land belonging to an ecclesiastical benefice any sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice:

Provided that this provision shall not apply to any sum authorised to be deposited in the name of the Accountant General of the Supreme Court by virtue of section 76 of the Lands Clauses Consolidation Act 1845;

8 & 9 Vict.
c. 19.

(ii) Section 5 relating to reduction of borrowing powers of the Lands Clauses Consolidation Acts Amendment Act 1860 shall be excepted from incorporation with this Act;

23 & 24 Vict.
c. 106.

(b) The Waterworks Clauses Act 1847 except—

10 & 11 Vict.

(i) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

c. 17.

(ii) sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit and section 83 relating to accounts;

(c) The Waterworks Clauses Act 1863;

26 & 27 Vict.

(d) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of

c. 93.
8 & 9 Vict.
c. 20.

PART I
—cont.

this Act “ the railway ” means the reservoir by this Act authorised and so much of any line or lines of pipes by this Act authorised as will not be constructed in a highway and “ the centre of the railway ” means the centre lines of so much of any line or lines of pipes as aforesaid.

(2) For the purposes of the incorporation of the aforesaid Acts and parts of Acts the several expressions “ the promoters of the undertaking ” “ the undertakers ” and “ the company ” where used in any of those Acts shall mean the Corporation.

(3) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands shall not apply to any land which is now vested in the Corporation or is acquired by them under this or any earlier Act.

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

“ the borough ” means the county borough of Northampton;

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

“ the county council ” means the county council of the administrative county of Northampton;

“ the new works ” means the works authorised by section 7 (Power to construct waterworks) and section 8 (Subsidiary works) of this Act;

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

“ the tribunal ” means the arbitrator 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;

“ the limits of supply ” means the limits within which the Corporation are from time to time authorised to supply water;

“ the water undertaking ” means the water undertaking of the Corporation as from time to time authorised;

“ street ” includes any highway including a highway over any bridge and any road lane footway square

9 & 10
Geo. 5. c. 57.

court alley or passage whether a thoroughfare or not;

“ the surveyor ” and “ the sanitary inspector ” mean respectively the surveyor and any sanitary inspector of the borough;

“ the Minister ” means the Minister of Health;

“ the Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same; ^{38 & 39 Vict. c. 55.}

“ daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;

“ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;

“ statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; ^{38 & 39 Vict. c. 83.}

“ authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

“ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by

Ch. xv. *Northampton Corporation* 6 & 7 GEO. 6.
Act, 1943.

PART I
—cont.

paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

“the revenues of the Corporation” means revenues as defined by section 218 of the Local Government Act 1933;

2 & 3
Geo. 6. c. 62.

“war period” means the period for which the Emergency Powers (Defence) Act 1939 is in force;

41 & 42 Vict.
c. 76.

“telegraphic line” has the same meaning as in the Telegraph Act 1878.

PART II.

WATERWORKS.

As to
Spratton
Bridge
Works.

5.—(1) The Corporation may pump, collect, impound, take, use, divert and appropriate for the purposes of the water undertaking all such waters as will or may be intercepted by the existing waterworks known as the Spratton Bridge Works being a well and pumping station (Work No. 4) authorised by the Northampton Corporation Act 1922 or by the works connected therewith or ancillary thereto.

12 & 13
Geo. 5. c. xxv.

(2) The provisions of subsection (2) of section 9 (Construction of wells and supply of water therefrom) of the Northampton Corporation Act 1922 shall cease to apply with respect to the Spratton Bridge Works aforesaid.

As to
Boughton
Crossing
and Merry
Tom Works.

6.—(1) The construction of an intake in the river Nene in the inclosures numbered in the parish of Boughton 220 and 225 on the 1/2500 Ordnance map (Northamptonshire sheet XXXVII.16 edition of 1900) and the laying of a pipe to connect with the existing waterworks known as the Boughton Crossing Works being a well and pumping station (Work No. 2) authorised by the Northampton Corporation Act 1922 is hereby sanctioned and confirmed.

(2) The construction of an intake in the river Nene in the inclosure numbered in the parish of Chapel Brampton 128 on the 1/2500 Ordnance map (Northamptonshire sheet XXXVII.8 edition of 1900) and the laying of a pipe to connect with the existing waterworks known as the Merry Tom Works being a well and pumping station (Work No. 4) authorised by the Northampton Corporation Act 1922 is hereby sanctioned and confirmed.

(3) The Corporation may by means of the intakes hereinbefore referred to collect, impound, take, use, divert and appropriate for the purposes of the water undertaking the waters of the river Nene and all such other waters as will or may be intercepted by the said intakes subject to the restrictions hereinafter mentioned.

(4) (a) The Corporation shall not in any one day pump from the Boughton Crossing Works and the Merry Tom Works a greater quantity of water in the aggregate than one million gallons.

(b) The Corporation shall not take any water by means of the said works otherwise than for the purpose of meeting any deficiency or apprehended deficiency in the supply of water from other sources available to the Corporation or of keeping until the thirty-first day of July in any year their existing storage reservoirs replenished.

(c) The Corporation shall discontinue the abstraction of water by means of the said intakes on the completion and bringing into use of the Pitsford reservoir authorised by this Act or the expiration of a period of seven years from the first day of October one thousand nine hundred and forty-three whichever shall first happen:

Provided that on the application of the Corporation the Minister may from time to time by order extend the said period of seven years.

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

Power to
construct
waterworks.

In the county of Northampton—

In the rural district of Brixworth—

Work No. 1. An impounding reservoir (to be called "the Pitsford reservoir") in the parishes of Brixworth Holcot Moulton Old Pitsford Scaldwell and Walgrave to be formed by means of an embankment across an unnamed tributary of the river Nene north-east of Pitsford bridge;

Work No. 2. Purification works and a pumping station in the said parish of Pitsford in the inclosure numbered in that parish 171 on the 1/2500 Ordnance map (Northamptonshire sheet XXXVIII.5 edition of 1926);

Work No. 3. An aqueduct in the said parish of Pitsford commencing in the stream near the embankment of the Pitsford reservoir and terminating at or in Work No. 2 hereinbefore described;

Work No. 4. An aqueduct in the said parish of Pitsford and the parish of Boughton commencing in

PART II
—cont.

Work No. 2 hereinbefore described and terminating in the Boughton service reservoir of the Corporation;

Work No. 5. A diversion in the said parishes of Brixworth and Holcot of the public road leading from Brixworth to Holcot between points situate respectively six hundred and ninety yards or thereabouts west and eight hundred and seventy yards or thereabouts south-east of Holcot bridge.

Subsidiary
works.

8. In addition to the new works the Corporation may in or under or upon any lands within the limits of deviation shown on the deposited plans make and maintain all such other cuts channels catchwaters tunnels conduits pipes sluices washouts overflows waste-water channels gauges filters works for the treatment of water buildings roads bridges embankments approaches telephones and other means of electric communication machinery electric lines works and apparatus as may be necessary or convenient in connection with or subsidiary to the new works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

9. In the construction of the new works the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition thereto:

Provided also that except for the purpose of crossing over a river stream canal dyke watercourse or railway no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Works to
form part of
undertaking.

10. Subject to the provisions of this Act the new works shall for all purposes form part of and be comprised in the water undertaking.

Period for
completion
of works.

11. If the new works are not completed on or before the first day of October one thousand nine hundred and fifty-three or eight years after the termination of the war period whichever is the later then as from that date the powers by this Act

granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

PART II
—cont.

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the new works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

12. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking all such streams springs and waters as shall or may be intercepted by means of any of the works authorised by this Act.

Power to
take waters.

13.—(1) In this section the expression “the specified rate.” means—

Compensation
water.

- (a) during the months of May to November (both inclusive) an uniform rate of six hundred thousand gallons per twenty-four hours; and
- (b) during the months of December to April (both inclusive) an uniform rate of two hundred thousand gallons per twenty-four hours.

(2) During the construction of the Pitsford reservoir the Corporation may subject as hereinafter provided take from any stream to be impounded thereby such water as they may require:

Provided that before taking any water from the stream they shall at or near the site of the embankment of the Pitsford reservoir construct an approved gauge to gauge the flow of the stream and while the flow of water through or over the gauge is less than the specified rate they shall not take any water.

(3) During the first filling of the Pitsford reservoir after its completion the Corporation shall discharge through the gauge to be provided pursuant to subsection (4) of this section a continuous flow of water at the specified rate so long as there shall be in the Pitsford reservoir sufficient water to enable them to comply with this provision.

(4) After the first filling of the Pitsford reservoir the Corporation shall at or near the site of the embankment of the Pitsford reservoir during every day of twenty-four hours reckoned from midnight discharge into the stream from that reservoir in a continuous flow water at not less than the specified rate and for the purpose of gauging such discharge they shall construct and maintain in good order approved gauges at or near the site of the embankment of the Pitsford reservoir.

PART II
—cont.

(5) If the Corporation—

- (a) neglect to construct or maintain in good order any such gauge as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or
- (b) take any water from the stream contrary to the provisions of subsection (2) of this section or neglect to comply with the requirements of subsection (3) or subsection (4) of this section with respect to the discharge of water into the stream;

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (a) of this subsection to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each such day; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(6) In this section the expression “gauge” includes a gauge weir or other apparatus for measuring the flow of water and the expression “approved” means approved by the Minister of Agriculture and Fisheries and for the purposes of this section a catchment board a fishery board a rivers board and a navigation authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their area or district or as the case may be any part of their system of navigation and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(7) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the Pitsford reservoir except in respect of any land between the foot of the embankment of that reservoir and the point of discharge referred to in subsection (4) of this section.

(8) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of a fishery board or of an officer of or person authorised by a fishery board shall as to the whole or such part thereof as the court may determine be paid to the board in respect of the costs of the prosecution.

14.—(1) In addition to the obligations imposed on the Corporation by section 13 (Compensation water) of this Act to discharge or deliver a continuous flow of water at the specified rate as defined in that section the Corporation after the first filling of the Pitsford reservoir shall if and whenever so required by the River Nene Catchment Board discharge or deliver through the gauge or gauges to be provided pursuant to that section additional quantities of water of such amounts and during such periods as the said board may reasonably require but subject to the following conditions:—

PART II
—cont.
Discharge of
additional
water.

- (a) the aggregate additional quantity of water which the Corporation may be required under this section to discharge shall not in any one year ending on the thirty-first day of December exceed one hundred million gallons;
- (b) the Corporation shall not be required under this section to discharge any additional quantity of water at a greater rate than five thousand gallons per minute;
- (c) the Corporation shall not be required under this section to discharge any additional quantity of water during any period when it is reasonably necessary that the waters for the time being impounded in the Pitsford reservoir should be conserved for the purpose of enabling the Corporation properly to meet any demands for water from their consumers and to fulfil their statutory obligations.

(2) Any dispute between the Corporation and the said board under this section shall be referred to arbitration.

15. On and after the first day of April next following the date of commencement of the construction of the works authorised by this Act which latter date shall be certified by the town clerk for the purposes of this section so much of the unnamed tributary of the river Nene to be impounded by the Pitsford reservoir as flows between Pitsford bridge and Holcot bridge shall cease to be under the jurisdiction of the Nene Valley Drainage and Navigation Improvement Commissioners (First District) and shall not form part of the main river under the jurisdiction of the River Nene Catchment Board.

As to
jurisdiction
of internal
drainage
board and
catchment
board.

16. From and after the date certified by the town clerk under section 15 (As to jurisdiction of internal drainage board and catchment board) of this Act the Corporation shall be responsible for cleansing repairing or otherwise maintaining in a due state of efficiency so much of the unnamed tributary of the river Nene to be impounded by the Pitsford reservoir as flows between the embankment of the said reservoir and Pitsford bridge.

Corporation
to maintain
part of
stream.

PART II

—cont.

Temporary
stoppage of
streets.

17.—(1) The Corporation during and for the purpose of the execution of any works forming part of the water undertaking may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

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

19 & 20 Geo. 5.
c. 25.

(3) The powers of this section shall not be exercised in reference to a trunk road without the consent of the Minister of War Transport or in reference to any county road within the meaning of the Local Government Act 1929 without the consent of the county council which consent shall not be unreasonably withheld.

(4) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

Application of
Waterworks
Clauses Act
1847 to
discharge
pipes &c.

18. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street (whether within or beyond the limits of supply) of any discharge pipes telephone posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking:

Provided that the Corporation shall not construct lay down erect or maintain any discharge pipes telephone posts wires conductors or apparatus in through across or under any street or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

Stopping
up of roads
bridleways
and footpaths.

19.—(1) The Corporation may stop up—

(a) so much of the road leading from Brixworth to Holcot as lies between the commencement and termination of the road diversion (Work No. 5) authorised by this Act; and

(b) so much of the road leading from Holcot bridge to Walgrave as is shown on the deposited plans to be stopped up:

Provided that the stopping up of such portions of the roads (a) or (b) above described shall not take place until the road diversion (Work No. 5) authorised by this Act is completed to the reasonable satisfaction of the road authority and is open for public use.

(2) As from the completion of the said road diversion (Work No. 5) to the reasonable satisfaction of the road authority all rights of way over and along the existing road which has been so diverted shall be extinguished and the said road diversion shall be maintained in repair by and at the expense of the road authority.

(3) The Corporation may also stop up any bridleways or public footpaths in the parishes of Brixworth Holcot Moulton Old Pitsford Scaldwell and Walgrave in the rural district of Brixworth (other than the public footpath leading from Pitsford to Boughton) which may be situate on any lands acquired by the Corporation under the powers of this Act for the purposes of the new works and thereupon all rights of way over and along any such bridleways and footpaths shall be extinguished but no such bridleway or footpath as is referred to in this subsection shall be stopped up until the Corporation are owners of the lands on both sides thereof except so far as the owners lessees and occupiers of those lands may otherwise agree:

Provided that the Corporation shall not stop up any parts of the public footpaths from Holcot to Pitsford and from Holcot to Old and from Holcot to Scaldwell until the Corporation shall have made provision to the reasonable satisfaction of the county council for alternative routes for such footpaths respectively.

(4) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purpose of the water undertaking the sites of any roads and footpaths stopped up under the provisions of this section as far as the same are bounded on both sides by land of the Corporation and the sites of the roads and footpaths so stopped up shall vest in the Corporation.

20.—(1) If in the opinion of the Corporation it shall be expedient in order to preserve the purity of the waters which they are by any Act relating to the water undertaking authorised to take to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Corporation shall have power to prohibit such dipping or washing of sheep:

Sheep
dipping and
washing.

Provided that before the Corporation carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall provide and maintain in the

PART II
—cont.

nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Corporation under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Corporation.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

Prevention
of pollution
of waters.39 & 40 Vict.
c. 75.56 & 57 Vict.
c. 31.

21.—(1) For the prevention of the pollution of any waters flowing into or impounded in the Pitsford reservoir the Corporation may with the consent of the Minister and of the county council and of the Brixworth Rural District Council themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts or any Act amending those Acts or any of them with respect to any such waters streams and watercourses or in respect of any nuisance which may exist in proximity thereto and the Corporation with such consents as aforesaid shall have and may (if they think fit) from time to time exercise such or the like powers as may for the time being be exercisable by any such council under any enactment for the prevention of the pollution of any such waters streams or watercourses or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply *mutatis mutandis* to the Corporation:

Provided that if any such council refuse or neglect for the space of two months after being requested by the Corporation by notice in writing either to take such steps as may be necessary for the enforcement of the provisions of the said Acts or to consent to the enforcement thereof by the Corporation the Corporation may appeal to the Minister who may dispense with such consent and thereupon the Corporation may proceed to enforce the provisions of the said Acts.

(2) The Minister on giving any consent to the Corporation under subsection (1) of this section or on dispensing with any consent under the proviso to that subsection may attach such terms or conditions as he may think fit.

(3) The powers conferred on the Corporation by this section shall be exercised subject to the following limitations:—

PART II
—cont.

- (a) When the discharge of polluted waters (other than trade waste) from any building farmyard manure pit cesspool or tank which is not connected with a public sewer is at the passing of this Act permitted by the said rural district council without objection from the said county council but if continued is likely in the opinion of the Corporation to endanger the purity of the waters flowing into or impounded in the Pitsford reservoir the cost of constructing any works which may be required by the Corporation under the powers of this section for preventing the pollution of the said waters shall be borne by the Corporation;
- (b) If in pursuance of any requirement by the Corporation any expense is reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any such waters such expense shall be repaid to such owner or occupier by the Corporation and may be recovered by such owner or occupier from the Corporation summarily as a civil debt;
- (c) Nothing in this section shall authorise the prohibition of the reasonable use of manures or fertilisers for the purpose of agricultural horticultural or market gardening operations so long as the manures or fertilisers are stored in a covered building or at a greater distance than fifty yards from the nearest stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilisers does not cause the pollution of the waters in any stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

22.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the waters 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

Byelaws for preventing pollution of water.

PART II
—cont.

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 in or through which the said waters arise or flow.

(3) In addition to complying with the requirements of section 250 of the Local Government Act 1933 the Corporation shall—

- (a) send at least one month before the application is made for confirmation a copy of the byelaws to the council of every county the local authority of every district and the catchment board of every catchment area any part of which is within the area defined in the byelaws;
- (b) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation;
- (c) exhibit during the said month in some conspicuous place in each borough urban district and rural parish any part of which is situate within the said area a copy of the notice referred to in subsection (3) of section 250 of the Local Government Act 1933;
- (d) at the request of any owner or occupier of land within the said area furnish to him free of charge a copy of the byelaws before confirmation and a statement of the effect of this section and at the request of any other person interested furnish to him a copy of the said byelaws on payment of such sum not exceeding one shilling for every copy as the Corporation may determine.

Paragraph (d) of this subsection shall have effect in lieu of subsection (5) of section 250 of the said Act of 1933.

In this subsection the expression "month" means a period of twenty-eight days exclusive of any day in the month of August.

(4) The Corporation 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 right 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 authority of the district in which such lands are situate otherwise than upon payment of compensation and such first-mentioned compensation shall be settled in default of agreement by arbitration.

23. The Corporation and the Brixworth Rural District Council may enter into and fulfil agreements for and in relation to the maintenance of the purity and the prevention of the pollution fouling contamination or discoloration of any waters which the Corporation are by this Act authorised to collect divert impound take appropriate and use and the construction and maintenance of sewerage and other works proper for those purposes and the payment by the Corporation of contributions towards the construction and maintenance of any such works.

PART II
—cont.
Agreements with Brixworth Rural District Council.

24.—(1) The Corporation at their own expense shall construct and maintain or cause to be constructed and maintained any sewers drains cesspits or other works which the Corporation may deem necessary for the purpose of safeguarding the purity of the waters which the Corporation are empowered by this Act to collect divert take impound or appropriate and use:

Works for safeguarding purity of water.

Provided that nothing in this section shall relieve any local authority body or person from the obligation of constructing and maintaining any sewage beds tanks sewers drains cesspits or other works which should reasonably be provided had the Corporation not obtained their powers of collecting diverting taking impounding and using water under this Act.

Any question between the Corporation and any local authority body or person under this subsection shall be referred to and determined by the Minister.

(2) If the Corporation fail to construct and maintain all such works as are required to be constructed and maintained under this section they shall save harmless and indemnify any local authority body or person from and against all claims in respect of any damage or injury arising out of the pollution of the waters appropriated by the Corporation under the powers of this Act.

(3) Nothing in this section shall authorise the Corporation to enter upon any lands otherwise than by agreement with all persons having legal interests therein.

25.—(1) (a) It shall not be lawful without the express authority of Parliament for the owner or occupier of any land which is situate within two miles from the centre of the protected works to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for taking or intercepting underground water except with the consent in writing of the Corporation unless the water to be abstracted from such well or other work is required by such owner or occupier solely for domestic or agricultural purposes on premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or

For protection of Corporation's wells.

PART II
—cont.

for the purposes which are referred to in paragraph (i) of the definition of " agricultural purposes " which is contained in subsection (3) of this section the premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first-mentioned owner or occupier at the passing of this Act nor except with the like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any such consent the Corporation may attach thereto such conditions as they may think fit.

(b) Any such owner or occupier who is aggrieved by any refusal of the Corporation to give such consent as aforesaid or by any conditions attached by the Corporation to any such consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representations made by the Corporation either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Corporation to give such consent subject to such conditions (if any) as the Minister may specify and the Corporation shall comply with any such direction.

(2) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Corporation to supply to him such quantity of water (if any) as he may require for use on such land for purposes other than domestic or agricultural purposes and subject to the provisions of this section the Corporation shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water to the land of such owner or occupier :

Provided that—

(a) the Corporation shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply or the rate at which the same is taken or required to be given would be likely to interfere with the sufficiency of the supply by the Corporation of water for domestic purposes within the limits of supply but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Corporation of water for domestic purposes within the limits of supply the Corporation shall give to the owner or occupier to whom the supply is being afforded not less than one year's notice of their

intention so to do and shall repay to such owner or occupier—

- (i) any sum deposited with the Corporation by way of security in pursuance of proviso (e) to this subsection less any sum which may be owing by such owner or occupier to the Corporation;
 - (ii) such portion (if any) of any sum recovered by the Corporation in pursuance of proviso (d) to this subsection as may be agreed between the Corporation and such owner or occupier or (failing agreement) determined by arbitration to be fair in all the circumstances;
- (b) the Corporation shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required to be given would be likely to interfere with the sufficiency of any supply of water for other than domestic purposes which was being given by the Corporation at the date of the notice in writing given by such owner or occupier;
- (c) the Corporation shall not be obliged to give such supply to any owner or occupier if the quantity of water required to be so supplied would exceed the available yield of the protected works as then constructed by the Corporation;
- (d) the cost incurred by the Corporation in and in connection with the construction of any works necessary for conveying the water to the land of any owner or occupier shall—
- (i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Corporation; and
 - (ii) (if such internal diameter exceeds three inches) be repaid to the Corporation by such owner or occupier and before commencing the construction of any such works the Corporation may require such owner or occupier to give to the Corporation security for the payment to them of the amount of such cost;
- (e) any owner or occupier supplied with water by the Corporation under the provisions of this section shall pay such price as failing agreement may be determined by arbitration for each thousand gallons so required which the Corporation are under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall

PART II
—cont.

be subject to such terms and conditions in regard to such supply as failing agreement may be determined as aforesaid including terms as to the security to be given to the Corporation for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply;

- (f) the price to be determined as aforesaid shall be such as shall be sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the amounts hereinafter in this proviso mentioned as the quantity required to be supplied bears to the available yield of the protected works as then constructed by the Corporation.

The amounts hereinbefore referred to are—

(i) the amount of the expenses of and in connection with the working management and maintenance of the protected works and of any other works used for the treatment or storage of water supplied from the protected works or for conveying the water to the land of the owner or occupier and all other costs charges and expenses properly chargeable to revenue in respect of the protected works and other works as aforesaid; and

(ii) the amount required to give a reasonable return on the money expended in and in connection with the construction of the protected works and other works as aforesaid and the protection thereof and of the water which can or may be intercepted and taken by means thereof against pollution nuisance encroachment or injury and the ensuring of the purity of the said water;

- (g) for the purpose of giving any supply under the provisions of this section the Corporation may supply water beyond the limits of supply and carry out all such works within or beyond those limits as may be necessary and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to any necessary modification apply in relation to the laying down and placing of pipes and other works for affording any supply under the provisions of this section;

- (h) except as otherwise expressly provided by this section any question arising under this section between

the Corporation and any owner or occupier shall be determined by arbitration;

(i) the Corporation shall not be under any liability for failure to supply water under the provisions of this section if such failure be due to frost drought or any other unavoidable cause or any accident.

(3) For the purposes of this section—

(a) “ protected works ” means the Billing Road Ravens-
thorpe and Spratton Bridge pumping stations respec-
tively of the Corporation;

(b) “ domestic purposes ” includes all purposes incidental
to the occupation of a dwelling-house and any garden
park or grounds occupied in connection therewith;

(c) “ agricultural purposes ” includes—

(i) all purposes for which water is ordinarily
used by an owner or occupier of lands in the carry-
ing on of agricultural dairying and market garden-
ing operations on such lands; and

(ii) industrial or manufacturing purposes with
reference to the growing produce of lands which
are situate within the radius referred to in sub-
section (1) of this section.

(4) The provisions of section 7 (Protection of London and
North Western Railway Company) of the Northampton
Waterworks Act 1882 shall extend and apply for the protection
of the London Midland and Scottish Railway Company in
relation to the powers conferred upon the Corporation by
proviso (g) to subsection (2) of this section.

26.—(1) In this section the following expressions have the meanings hereinafter-mentioned (that is to say):—

“ the authorities ” means any local authority company
board committee or other persons or person supplying
or authorised to supply water by or under an enact-
ment in the administrative county of Northampton;

“ authority ” means any one of the authorities;

“ the construction notice ” means the notice to be given
by the Corporation to the county council and there-
after to be published under subsection (2) of this
section;

“ reservation notice ” means a notice served by an autho-
rity under subsection (3) of this section requiring the
Corporation to reserve water for them;

“ reserved water ” means with reference to each of the
authorities the daily quantity of water to be reserved

Obligation
to supply
water in
bulk.

PART II
—cont.

for such authority under subsections (3) and (4) of this section;

“ revenue expenditure on the new works ” means with respect to any year the expenditure by the Corporation in respect of that year on revenue account (exclusive of establishment charges rates and taxes but inclusive of insurance costs of maintenance and repair and renewals (not charged to capital) and pumping and filtration and all other expenditure attributable to revenue account) so far as such expenditure is incurred on or in connection with the new works and the supply of water therefrom;

“ daily quantity of water ” means a quantity of water per twenty-four hours reckoned from midnight to midnight;

“ year ” means a calendar year ending on the thirty-first day of March.

(2) Not earlier than twenty-four months nor later than twelve months before commencing the construction of the new works the Corporation shall give to the county council notice in writing of the date when they anticipate that the new works will be commenced and within twenty-one days after the giving of such notice the Corporation shall publish a copy of the notice once in the London Gazette and in a newspaper published and circulating in the county of Northampton.

(3) Any of the authorities shall be entitled within three months after the date of publication of the construction notice in the London Gazette to serve on the Corporation notice in writing requiring the Corporation to reserve for their use the daily quantity of water specified in the notice so served:

Provided that—

- (i) no reservation notice shall be effective unless the authority serving the notice obtain the assent thereto of the Minister within six months after the said date of publication in the London Gazette and before giving his assent to any reservation notice the Minister shall take into consideration all the circumstances;
- (ii) if the Minister shall assent to any reservation notice in respect of any less quantity of water than that originally specified therein the notice shall be effective in respect of the less quantity only but in that case the authority by whom such reservation notice was served may withdraw it within two months after the decision of the Minister with respect thereto;

(iii) within one month after the last day for the service of reservation notices on the Corporation the Corporation shall intimate in writing to the county council and to each authority who has served such a notice the names of the authorities who have served such notices and the daily quantity of water specified therein respectively and if the aggregate daily quantity of water so specified does not amount to nine hundred thousand gallons any authority by whom a reservation notice was served may within two months after the receipt of such intimation withdraw such notice.

(4) (a) The Corporation shall not be obliged under this section to supply in bulk to all the authorities any greater aggregate daily quantity of water than one million four hundred thousand gallons.

(b) If the aggregate of the daily quantities of water specified in the reservation notices to which the Minister shall have assented under subsection (3) of this section shall exceed one million four hundred thousand gallons the daily quantity of water to be reserved for each of the authorities who have served such reservation notices shall be decided by the Minister but so that the aggregate of all the reserved water shall not except with the consent of the Corporation exceed one million four hundred thousand gallons.

(5) The Minister shall inform the Corporation from time to time of any decision given by him under subsection (3) or subsection (4) of this section and the Corporation shall within one month after receiving the decision of the Minister under paragraph (b) of the said subsection (4) give notice in writing to each of the authorities who have served reservation notices stating the quantity of water to be reserved for them respectively.

(6) (a) As from the date when the new works are brought into use the Corporation shall supply to each authority for whom a quantity of water has been reserved under this section such daily quantity of water as the authority may from time to time require but not exceeding the reserved water to which the authority is entitled.

(b) The Corporation shall not incur any liability in respect of a failure to supply water under this section if the failure is due to frost unusual drought or other unavoidable cause or any accident.

(7) Each authority for whom a quantity of water is reserved under this section shall pay to the Corporation each year—

(i) the proportion of the interest for the year payable by the authority under paragraph (a) of subsection (8) of this section;

PART II
—cont.

- (ii) the proportion of the capital charges in respect of the year payable by the authority under paragraph (b) of subsection (8) of this section;
- (iii) the proportion of the standing charges in respect of the year payable by the authority under paragraph (c) of subsection (8) of this section; and
- (iv) a sum equal to the number of one thousand gallons in the total quantity of water supplied to the authority during the year multiplied by the working charges component (as hereinafter defined) for the year.

The sums under paragraphs (i) (ii) and (iii) of this subsection shall be payable as from the date on which the Corporation raise the first loan for the purchase of lands and easements for or the construction of the new works and in the first year shall if requisite be in respect of an apportioned part of that year.

(8) (a) For the purposes of paragraph (i) of subsection (7) of this section the interest for the year shall be the total interest charges payable by the Corporation in respect of all loans raised by them for capital purposes in respect of the purchase of lands and easements for and the construction of the new works and the proportion payable by each authority shall be in the same ratio as that authority's reserved water bears to the total of the following quantities of water:—

one million eight hundred and fifty thousand gallons being the daily quantity deemed to be available for the Corporation; and

the aggregate of all the reserved water:

Provided that in calculating the proportion so payable by each authority for each of the first ten years the number of one thousand gallons in the said total shall be increased by twenty per centum and the Corporation shall be entitled to bring into account three-fourths of the costs charges and expenses referred to in the final section of this Act which had (prior to such calculation) been borrowed by the Corporation together with compound interest thereon at the rate of three pounds per centum per annum as from the date of such borrowing.

(b) For the purposes of paragraph (ii) of subsection (7) of this section the capital charges in respect of any year shall be the total sum paid by the Corporation for that year as sinking fund payments redemption fund charges and loan repayments on all loans raised by them for capital purposes in respect of the following items (that is to say):—

- (i) all sums expended by the Corporation on capital account up to the end of the preceding year in the

- purchase of lands and easements for and the construction of the new works;
- (ii) all sums paid on capital account up to the end of the preceding year as compensation to owners of lands mills and other works and property and attributable to the new works and in the purchase of lands for the protection of water flowing into the Pitsford reservoir;
 - (iii) all other items of capital expenditure incurred prior to the bringing into use of the new works and attributable to the new works;
 - (iv) three-fourths of the costs charges and expenses referred to in the final section of this Act; and
 - (v) all other items of capital expenditure attributable to the new works and incurred before the end of the said preceding year but after the date when those works shall have been brought into use;

and the proportion payable by each authority shall be in the same ratio as that authority's reserved water bears to the total of the following quantities of water:—

one million eight hundred and fifty thousand gallons being the daily quantity deemed to be available for the Corporation; and

the aggregate of all the reserved water:

Provided that in calculating the proportion so payable by each authority in respect of each of the first ten years the number of one thousand gallons in the said total shall be increased by twenty per centum and the Corporation shall be entitled to bring into account three-fourths of the costs charges and expenses referred to in the final section of this Act which had (prior to such calculation) been borrowed by the Corporation together with compound interest thereon at the rate of three pounds per centum per annum as from the date of such borrowing.

(c) For the purposes of paragraph (iii) of subsection (7) of this section the standing charges in respect of any year shall be the sum paid by the Corporation for that year in respect of rates and taxes (excluding income tax under Schedule "D" of the First Schedule to the Income Tax Act 1918) attributable to the new works in respect of that year and the proportion payable by each authority shall be in the same ratio as that authority's reserved water bears to the total of the following quantities of water:—

one million eight hundred and fifty thousand gallons being the daily quantity deemed to be available for the Corporation; and

the aggregate of all the reserved water:

PART II
—cont.

Provided that in calculating the proportion so payable by each authority in respect of each of the first ten years the number of one thousand gallons in the said total shall be increased by twenty per centum.

(d) For the purposes of paragraph (iv) of subsection (7) of this section the working charges component for any year shall be deemed to be the total revenue expenditure on the new works in respect of that year divided by the number of one thousand gallons in the quantity of water supplied during the year by means of the aqueduct (Work No. 4) authorised by this Act:

Provided that if the quantity of water taken by the Corporation (other than for the supply of the authorities) from the water obtained from the new works (as measured by the meter referred to in subsection (14) of this section) during any year shall be less than a quantity which bears the same proportion to the total quantity of water supplied in that year from the new works to the authorities as 1850 bears to 1400 the quantity of water so taken by the Corporation shall be deemed to be the quantity which bears the said proportion.

(9) (a) As soon as practicable after the thirtieth day of September and the thirty-first day of March in each year the Corporation shall prepare and send to each authority for whom water is reserved an account showing the amount due from the authority under subsection (7) of this section in respect of the preceding six months and such accounts shall as regards any payment to be made under paragraph (iv) of that subsection be based on estimates prepared by the Corporation.

(b) Each authority to whom an account is so sent shall pay to the Corporation the amount due from them in respect of the six months to which the account relates within the period of twenty-eight days after the receipt of the account which amount shall be deemed to be a debt due from the authority to the Corporation.

(c) As soon as practicable after the end of each year final accounts in respect of that year shall be prepared by the Corporation and delivered to each authority for whom water is reserved showing (i) the actual amount payable by the authority under this section in respect of the year and (ii) the balance due from or to the authority which balance shall be deemed to be a debt due by the authority to the Corporation or by the Corporation to the authority (as the case may require).

(10) Water shall be supplied to an authority under this section at such point on the aqueduct (Work No. 4) authorised by this Act as shall be reasonably determined by the Corporation and any line of pipes required for enabling the authority to take a supply of water at that point shall be laid by the

authority under any powers possessed by them but all works for connecting the pipes of the authority with the aqueduct of the Corporation shall be executed by the Corporation and the reasonable cost of so doing shall be repaid by the authority to the Corporation.

(11) For the maintenance testing cleaning altering extending or repairing of the new works or the Boughton reservoir of the Corporation the Corporation may after giving (except in emergency) not less than fourteen days' notice to any authority affected temporarily discontinue the supply of water to any authority for such a period or periods as may be reasonably requisite:

Provided that the Corporation shall if and so far as is reasonably practicable make good to each authority to whom the supply of water shall have been temporarily discontinued under the provisions of this subsection the aggregate quantity of water of which that authority were deprived by such discontinuance and such making good shall be effected at such times and in such manner as may be agreed between the Corporation and that authority or failing agreement determined by arbitration.

(12) A supply of water under this section shall be given and received as nearly as may be in a regular and continuous flow or manner and the works of each authority shall be so constructed and maintained that the water shall at all times be capable of flowing from the aqueduct of the Corporation to such works under the pressure of water in the said aqueduct at the point where it is connected with the pipes of the authority so as not to interfere with the free and unrestricted flow of water in that aqueduct:

Provided that—

- (a) to meet seasonal variations in the requirements of any authority the quantity taken on any one day may vary by an amount not exceeding twenty-five per centum from the reserved quantity;
- (b) the rate may be varied to make any adjustment which may be necessary in order to give effect to the proviso to subsection (11) of this section;
- (c) the rate may be varied to cover reasonable fluctuations in flow in the pipeline conveying the water to the reservoir of the authority due to the effect of variations in the demand of consumers of the authority.

(13) (a) The water supplied to an authority under this section shall be measured by a meter to be placed at a point on the pipes of the authority as near as practicable to the point at which the water is delivered to them.

PART II
—cont.

(b) The meter and subsidiary apparatus in connection therewith shall be provided and fixed by the Corporation in a building or chamber to be erected by them on a site to be acquired by and at the expense of the authority.

(c) The building or chamber shall be under the sole control of the Corporation and be maintained by them and the authority shall at all times afford to the Corporation over any lands or property of the authority such facilities as the Corporation may reasonably require for that purpose.

(d) The meter and subsidiary apparatus in connection therewith shall also be under the sole control of the Corporation and be maintained by them but the authority shall at all reasonable times be at liberty by themselves or their engineer or surveyor to inspect the meter or subsidiary apparatus (on giving to the official of the Corporation having charge of the meter sufficient notice to enable him to have it opened for inspection) and to require its accuracy to be tested.

(e) The authority shall repay to the Corporation on demand all costs incurred by the Corporation in erecting the said building or chamber and in providing and fixing the meter and subsidiary apparatus and of and incident to any testing of the meter and apparatus.

(f) The authority shall also pay to the Corporation the reasonable costs incurred by the Corporation in maintaining and repairing the said building or chamber and in maintaining and keeping in proper condition and working order the said meter and subsidiary apparatus. All payments under this paragraph shall be made quarterly on or before the same dates as the payments under subsection (9) of this section are required to be made.

(14) The water obtained from the new works shall be measured by a meter to be placed at a point on the aqueduct (Work No. 4) authorised by this Act as near as practicable to the pumping station (Work No. 2) authorised by this Act. The said meter shall be open to inspection at all reasonable times by any person duly authorised by any authority for whom water is reserved under this section.

(15) (a) The register of any meter provided under this section shall be prima facie evidence of the quantity of water passing through it.

(b) If any such meter at any time registers incorrectly the Corporation on becoming aware thereof shall within a reasonable time repair or replace it with a correct meter. If the meter is removed for any reason the Corporation shall refix or replace it within a reasonable time.

(16) Notwithstanding anything in this section the Corporation shall not be obliged to supply the reserved water from

the new works but any water supplied from other waterworks of the Corporation in pursuance of this section shall not be afforded under less pressure than the water derived from the new works and the terms upon which a supply from such other waterworks may be given shall be agreed between the Corporation and the authority or failing agreement determined by arbitration and shall include the payments under paragraphs (i) (ii) and (iii) of subsection (7) of this section.

(17) The provisions of this section shall be subject to review by agreement or failing agreement by arbitration if a further source of supply shall be required hereafter by the Corporation for the purposes of the water undertaking.

(18) Any dispute under this section between the Corporation and any authority shall be referred to arbitration.

PART III.

LANDS.

27. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the new works or otherwise for the purposes of the water undertaking. Power to acquire lands.

28.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the new works or otherwise for the purposes of the water undertaking acquire such easements and rights only 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 restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845. Acquisition of easements compulsorily.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers

PART III
—cont.

have the same rights of using and cultivating the said lands at all times as if this Act had not been passed.

Further
powers
of entry.

29. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than ninety 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.

Period for
compulsory
purchase
of lands.

30. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and forty-three or two years after the termination of the war period whichever is the later.

Correction of
errors in
deposited
plans and
book of
reference.

31. If there is 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 Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appears to the justices that the omission or misstatement or wrong description arose 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 if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the council of the county district in which the lands 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 a 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 the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

Extinction
of private
rights of
way.

32. All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by

resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein :

PART III
—cont.

Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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

Power to enter property for survey and valuation.

34. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part 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 June one thousand nine hundred and forty-two 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 this Act.

Compensation in case of recently acquired interest.

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

Persons under disability may grant easements.

36.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire

Further powers for the acquisition of lands.

PART III
—cont.

for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

Retention
and disposal
of lands.

37.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and 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 on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any local Act for the time being in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

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

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the land other than the restriction imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Reservation
of water
rights &c.

38. The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any

such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

PART III
—cont.

39.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the borough and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

Powers with reference to leases of lands.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

40.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

Power to develop lands.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

Power to purchase lands already subject to easements.

42.—(1) The Corporation may purchase or take on lease houses and other buildings for persons employed by them for the purpose of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such houses and buildings upon any lands for the time being belonging to the Corporation and (subject to

Houses for persons in employment of Corporation.

PART III
—cont.

the terms of the lease) upon any lands for the time being leased to the corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Proceeds of
sale of
surplus lands.

43.—(1) The Corporation may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall either pay the same into the consolidated loans fund or apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such payment or application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Undertakings
to bind
successive
owners.

44.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by the owner of any legal estate in land or property on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

15 & 16 Geo. 5.
c. 22. (2) Any such undertaking or agreement of such owner shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement of such owner shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

As to
application
of Town
and Country
Planning
Act 1932.

22 & 23 Geo. 5.
c. 48.

45. The provisions of section 41 of the Town and Country Planning Act 1932 shall not apply to or in respect of any building outside the borough in relation to which the Corporation shall exercise the powers of the undermentioned sections of this Act:—

Section 36 (Further powers for the acquisition of lands);

- Section 39 (Powers with reference to leases of lands);
Section 40 (Power to develop lands);
Section 41 (Power to purchase lands already subject to easements);
Section 42 (Houses for persons in employment of Corporation).
- PART III
—cont.

PART IV.

SUPPLY OF WATER.

46. The limits within which the Corporation may supply water and exercise the powers conferred upon them by the Northampton Corporation Waterworks Act 1884 and subsequent Acts shall comprise the area described in the schedule to this Act: Limits of supply.

Provided that the Corporation shall not except by agreement with the local authority concerned be entitled to exercise the powers conferred upon them by section 117 of the Public Health Act 1936 in any parish which is comprised in the said area and in which the Corporation are not supplying water at the passing of this Act. 26 Geo. 5.
& 1 Edw. 8.
c. 49.

47. For the purposes of the water undertaking a supply of water by the Corporation for domestic purposes means a sufficient supply for drinking washing cooking and sanitary purposes but not for any bath having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons and includes— As to supply of water for domestic purposes.

(a) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and

(b) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used a supply for watering a garden for horses kept for private use and for washing vehicles so kept:

Provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises.

48. The Corporation shall with all reasonable dispatch lay any necessary mains and bring water to any area within the limits of supply if they are required to do so by a local authority for the purpose of affording a supply of water for domestic purposes or for domestic and farming purposes and the terms and conditions of any payments to be made by the local authority to the Corporation in respect of the expense of Corporation to afford supplies of water if required.

PART IV
—cont.

providing and laying such mains and affording such a supply of water shall be such as may be agreed between the Corporation and the local authority or failing agreement settled by arbitration.

As to cesser
of powers of
Corporation.

49.—(1) In this section “the rural council” means the Brixworth Rural District Council the Daventry Rural District Council the Northampton Rural District Council the Towcester Rural District Council and the Wellingborough Rural District Council or any one or more of them.

(2) Upon the approval by the Minister of a scheme (whether existing or proposed) for the distribution of water by the rural council in any parish or parishes in the limits of supply the rural council shall notify the Corporation thereof and unless otherwise agreed between the Corporation and the rural council the powers and obligations of the Corporation in respect of a supply of water in such parish or parishes shall cease as from the date when the rural council notify the Corporation that a supply of water under such scheme has commenced.

(3) Where at such last-mentioned date the Corporation are supplying water in any such parish or parishes all mains pipes and plant therein forming part of the water undertaking shall vest in the rural council except such mains pipes and plant as shall be required by the Corporation for use in connection with the supply of water to other parts of the limits of supply and the rural council shall pay to the Corporation such portion of any expenses reasonably incurred by the Corporation for the purpose of giving a supply in that parish or those parishes as may be agreed or failing agreement determined by arbitration.

(4) The provisions of this section shall not apply to the following parishes:—

In the rural district of Brixworth—

the parishes of Boughton Chapel Brampton Church
Brampton Moulton and Overstone;

In the rural district of Northampton—

the parishes of Billing Duston Great Houghton Harding-
stone Little Houghton Upton Weston Favell and
Wootton;

In the rural district of Wellingborough—

the parish of Sywell.

Powers in
relation to
water mains.

50. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority who supply water under the Public Health Act 1936 would have under section 119 of that Act with respect to the carrying

of water mains within and without their district and for the purposes thereof the limits of supply shall be deemed to be their district.

PART IV
—cont.

51. For the purpose of conveying water from one part of the limits of supply to another part thereof the Corporation may exercise as regards any street outside the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes as if such street were within the limits of supply but nothing in this section shall authorise the Corporation to supply water beyond such limits.

Power to lay connecting mains.

52.—(1) Notwithstanding anything in any enactment relating to the Corporation no person shall be entitled to demand a supply of water from a trunk main belonging to the Corporation.

As to supplies from trunk mains.

(2) In this section the expression "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits or for the purpose of giving a supply of water in bulk to other undertakers.

53. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Amendment of section 35 of Waterworks Clauses Act 1847.

54.—(1) The local authority of any district wholly or partly within the limits of supply may enter into an agreement with the Corporation to pay over a period of three successive years at least for a supply of water to houses in respect of which a requisition has been made under section 35 of the Waterworks Clauses Act 1847 as amended by this Act and in the event of their so doing it shall not be requisite for any period to be specified in any agreement executed by the owner or occupier of such houses as provided by the said section 35.

Agreements by local authorities for water supplies.

(2) Any two or more local authorities may combine for the purpose of entering into an agreement authorised by this section.

55.—(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the limits of supply desire to obtain a supply of water from the Corporation may on the application of the Corporation subject to the provisions of this section by order authorise the Corporation to supply water in any such area or any part thereof or to any

Supply of water by Corporation to areas outside limits of supply.

PART IV
—cont.

premises therein on such conditions as may be specified in the order.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the Acts and Orders from time to time relating to the Corporation shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the limits of supply extended as far as and so as to include the area or premises to which such order relates.

(3) An order under this section shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose district and of any undertakers for the supply of water within whose limits of supply the area or premises to which a supply is proposed to be given is situate.

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than three months' notice thereof to the Corporation.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Corporation such portion of the expenditure incurred by the Corporation within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by arbitration.

Limit of
pressure.

56. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that afforded by gravitation from the reservoir or tank from which the supply is given.

Agreements
as to supply
of water in
certain cases.

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

respect of such supply in the same manner as water rates and rents are recoverable by them.

PART IV
—cont.

58.—(1) The county council or any local authority having jurisdiction within the limits of supply may within the period of six months after the coming into force within those limits of any new valuation lists under the Rating and Valuation Acts apply to the Minister for an order to modify or rescind the right of the Corporation to demand and take in any part of the limits of supply outside the borough rates and charges for supplies of water in excess of the rates and charges demanded and taken by them for corresponding supplies within the borough:

As to differential water charges.

Provided that the Corporation may after the coming into force of any subsequent valuation list apply to the Minister for an order varying any rights modified and reviving any rights rescinded by any previous order.

(2) The Minister is hereby authorised to make such order under this section as he may think fit.

59. When in any year the revenue of the water undertaking exceeds the total of the following (that is to say):—

Reduction in price of water in certain circumstances.

- (a) the working and establishment expenses and cost of maintenance of the water undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the water undertaking or used for those purposes in pursuance of section 106 (Use of moneys forming part of sinking and other funds) and section 108 (Consolidated loans fund) of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the water undertaking;
- (d) all other expenses (if any) of the water undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are authorised to maintain in respect of the water undertaking; and
- (f) any money not exceeding two thousand five hundred pounds expended on any of the purposes mentioned in paragraph (b) of subsection (1) of section 115 (As to surplus revenue of undertakings) of this Act other than in the renewal of any works and conveniences for the purposes of the water undertaking;

then the rates and charges for the supply of water shall as soon as reasonably may be reduced to such extent as may be necessary to adjust the annual revenue so that in a full year

PART IV
—cont.

the revenue shall not exceed an amount which is as nearly as may be equal to the aforesaid total:

Provided that the Corporation shall not be obliged to reduce the rates and charges unless the appropriate reduction shall amount to the equivalent of a rate of not less than one and a quarter per centum on the net annual value of premises supplied with water for domestic purposes:

Provided further that for the purposes of this section paragraph (b) of subsection (i) of section 115 (As to surplus revenue of undertakings) of this Act shall be read and have effect as if the word "renewal" were omitted therefrom.

As to yearly value of two or more houses in one occupation.

60. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of houses or buildings so occupied.

Supply to houses partly used for trade &c.

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

- (a) any premises used as a house whereof a part is used by the same occupier for any business trade or manufacturing purpose for which water is required;
- (b) any public institution;
- (c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;
- (d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

10 Edw. 7.
& 1 Geo. 5.
c. 24.

(2) (a) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter.

(b) For the purposes of this subsection the expression "farming purposes" includes dairy purposes.

(3) The minimum charge for a supply of water by meter to any of the premises mentioned in subsection (1) of this

section shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a house of the same net annual value.

PART IV
—cont.

62. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Corporation may require that all water required for such swimming bath or bathing pool shall be taken by meter.

Supplies to
swimming
baths and
bathing pools.

63.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and desires to use the water for horses or washing motor cars or carriages or for other purposes in or in connection with such premises the Corporation may—

Charges for
horses and
washing
vehicles.

(a) if the water can be taken from a stand-pipe or tap (not being a stand-pipe or tap within any house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such stand-pipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding five shillings for each motor car or carriage beyond the first; or

(b) if the water be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motor car or carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised 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 those rates.

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

PART IV
—cont.
Rates and
charges
payable by
owners of
certain
houses.

64.—(1) Where (a) the net annual value of a house supplied with water does not exceed thirteen pounds or (b) 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 Corporation so determine pay the water rate but the rate may be recovered by the Corporation from the occupier and 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:

Provided also that where the owner of premises is liable to pay the water rate for the supply of water to those premises and is not himself the occupier thereof the Corporation shall not cut off the supply of water to the premises for a failure by him to pay the water rate.

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

Power to
prohibit use
of hosepipe
temporarily.

65.—(1) If the Corporation are of opinion that by reason of drought or other cause the water supply of the Corporation should be conserved the Corporation may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purposes and such prohibition shall continue until withdrawn.

(2) The Corporation shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The Corporation shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited as aforesaid if such prohibition is complied with in relation to such hose or moveable pipe and where any consumer has paid to the Corporation the charge for the use of any such hose or moveable pipe during the year or part of a

year which includes the said period and complies with the said prohibition in relation to such hose or moveable pipe the Corporation shall repay to the consumer the proportion of such charge which is attributable to that period.

66.—(1) The Corporation may require that any house the erection of which was not commenced before the passing of this Act and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being or is to be furnished by them shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

Power to require provision of cisterns in certain cases

(2) The Corporation shall not be required to supply any such house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

67.—(1) The Corporation at the request of any other water undertaker or of any manufacturer or other person may test pipes meters cocks ferrules valves cisterns and any other water fittings submitted to the Corporation for the purpose and may stamp the same as being in accordance with the byelaws of the Corporation and may make and recover such charges for such testing and stamping as the Corporation may think fit.

Power for Corporation to test and stamp fittings.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for the foregoing purpose or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

68. If a meter or other instrument for measuring water on being tested is proved to register incorrectly to any material degree—

As to register of meters.

- (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 Corporation unless it is proved to have begun to register incorrectly 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 or allowed by the Corporation or paid by the consumer as the case may be and in the case of an extra payment may be recovered in the like manner as water rates rents and charges are recoverable by the Corporation.

PART IV

—cont.

Failure of
meters to
register.

69. If any meter used by a consumer ceases to register the quantity of water consumed at any premises such cesser shall be deemed in the absence of evidence of any other date to have arisen immediately after the last reading of the meter:

Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Cutting off
com-
munication
pipes to
prevent
waste of
water.

70. Where any dwelling-house or other building is demolished or appears to the Corporation to be uninhabitable and the Corporation have reason to think that waste of water is occurring or is likely to occur they may cut off the communication pipe by which water was supplied to such dwelling-house or building.

Penalties for
misuse of
water.

71.—(1) An owner or occupier of premises supplied with water by the Corporation who without their consent supplies any of that water to another person for use in other premises or wilfully permits another person to take any of that water for use in other premises shall be liable to a fine not exceeding five pounds unless that other person requires the water for the purpose of extinguishing a fire or is a person supplied with water by the Corporation but temporarily unable through no default of his own to obtain water.

(2) If a person not supplied with water by the Corporation wrongfully takes uses or diverts water from a reservoir watercourse conduit or pipe belonging to the Corporation or from a pipe leading to or from any such reservoir watercourse conduit or pipe or from a cistern or other receptacle containing water belonging to the Corporation or supplied by them for the use of a consumer he shall be liable to a fine not exceeding five pounds.

(3) Any person who takes from the Corporation a supply of water otherwise than by meter and uses any water so supplied to him for a purpose other than a purpose for which he is entitled to use it shall be liable to a fine not exceeding forty shillings but without prejudice to the right of the Corporation to recover from him the value of the water misused.

As to
payment and
collection of
water rates.

72.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Corporation shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year or if the Corporation so resolve by equal half-yearly

instalments on the first day of April and the first day of October in each year.

PART IV
—cont.

(2) If and so long as the water rates are payable in advance by half-yearly instalments—

(a) no proceedings shall be commenced for the recovery of any such instalments until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and

(b) if the person who is or who but for the provisions of section 64 (Rates and charges payable by owners of certain houses) of this Act would be liable to pay the water rates payable in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalments as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if any greater proportion of the instalment has been paid the person by whom it was paid shall be entitled to recover the excess from the Corporation except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this subsection shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(3) Any water rate or other sum payable to the Corporation with respect to the water undertaking shall be recoverable by the Corporation either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction and may in respect of premises within the borough be collected together with the general rate.

73.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of the water rate have effect retrospectively as from the date when the proposal was made and any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments of rates.

Effect on
water rate
of alterations
in valuation
list.

15 & 16
Geo. 5. c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or as the case may

PART IV
—cont.

be shall be paid and may be recovered in the manner in which water rates are recoverable.

Power to
remove
meters and
fittings.

74.—(1) The Corporation 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 Corporation 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 Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation 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 of the peace for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

(2) If any person hinders any such agent or workmen from entering or effecting such removal he shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

Recovery of
sums due for
fittings &c.

75. If the Corporation commence proceedings against any consumer for the summary recovery of any sum due for a supply of water any other sum due or payable to the Corporation by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Extension
of power to
inspect
premises.

76. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer or any officer of the Corporation duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder the waterworks engineer or any such authorised person from entering either under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds:

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

PART IV
—cont.

77. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

Charges for special readings of meters.

PART V.

SERVICE PIPES.

78. This Part of this Act shall come into force on the appointed day.

Commencement of Part V.

79. In this Part of this Act unless the subject or context otherwise requires—

Definitions for Part V.

“ the appointed day ” means the first day of January one thousand nine hundred and forty-four;

“ main ” means a pipe laid by the Corporation for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

“ service pipe ” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap;

“ supply pipe ” means so much of any service pipe as is not a communication pipe;

“ communication pipe ” means—

(a) where the premises supplied with water abut on the part of the street in which the main is laid and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stop-cock placed in those premises and as near to the boundary of that street as is reasonably practicable so much of the service pipe as lies between the main and that stop-cock;

(b) in any other case so much of the service pipe as lies between the main and the boundary of the street in which the main is laid;

and includes the ferrule at the junction of the service pipe with the main and also—

(i) where the communication pipe ends at a stop-cock that stop-cock; and

PART V
—cont.

(ii) any stop-cock fitted on the communication pipe between the end thereof and the main;

“ outer wall ” in relation to a building abutting on a street does not include the outer wall of a cellar or other structure belonging to that building but situate beneath the street.

Transfer
and vesting
of com-
munication
pipes &c.

80.—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Corporation shall by virtue of this Part of this Act become transferred to the Corporation without payment therefor and as from the appointed day all communication pipes whether laid before or after the appointed day shall vest in the Corporation and the Corporation shall at their own expense carry out any necessary works of maintenance repair or renewal of such pipes and any work on their mains incidental thereto.

(2) The Corporation shall also carry out any such necessary work as aforesaid in the case of so much of any supply pipe as is laid in a highway and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the premises supplied by the pipe but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises.

(3) If the Corporation fail to carry out any such necessary work with all reasonable dispatch after service upon them of complaint of a defect from an owner or occupier of premises affected they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Laying of
supply pipes
&c.

81. On and after the appointed day an owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the Corporation shall subject to the provisions of this Part of this Act comply with the following requirements—

- (a) he shall give to the Corporation fourteen days' notice of his intention to lay the necessary supply pipe and at or before the time of giving such notice shall pay or tender to them such sum as may be payable in advance by way of water rate in respect of his premises;
- (b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street the consent of the owners and occupiers thereof; and
- (c) the bore strength and material of the supply pipe shall comply with the requirements of the byelaws or

regulations of the Corporation with respect to those matters or if there are no byelaws or regulations shall be such as may be approved by the Corporation or in case of dispute by a court of summary jurisdiction :

PART V
—cont.

Provided that where any part of the supply pipe is to be laid in a highway he shall not himself break open the highway or lay that part of the pipe.

82.—(1) Upon receipt of such a notice as is referred to in section 81 (Laying of supply pipes &c.) of this Act the Corporation shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipe :

Laying of
communi-
cation
pipes &c.

Provided that where any part of the supply pipe is to be laid in a highway they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

(2) If the Corporation fail to carry out the said work within fourteen days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last preceding section they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The expenses reasonably incurred by the Corporation in executing the work which they are required or authorised by this section to execute shall be repaid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt :

Provided that if under the provisions of this section the Corporation lay a main in lieu of part of a supply pipe the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

(4) Notwithstanding anything in the foregoing provisions of this section the Corporation may within three days after the receipt of such a notice as aforesaid require the person giving the notice either to pay to them in advance the cost of the work as estimated by their engineer or to give security for payment thereof to their satisfaction and where they make such a requirement the period of fourteen days referred to in subsection (2) of this section shall not commence to run until the requirement has been complied with.

(5) If any payment so made to the Corporation exceeds the expenses which under the foregoing provisions of this section they would be entitled to recover from the person giving the notice, the excess shall be repaid by them and if and so far as

PART V
—cont.Power to
require
separate
service
pipes.

those expenses are not covered by the payment they may recover the balance from him summarily as a civil debt.

83.—(1) Subject to the provisions of this section the Corporation may require the provision of a separate service pipe for each house supplied or to be supplied by them with water.

(2) If in the case of a house already supplied with water but not having a separate service pipe the Corporation give notice to the owner of the house requiring the provision of such a pipe the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway and the Corporation shall within fourteen days after he has done so lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

(3) If an owner upon whom a notice has been served under subsection (2) of this section fails to comply therewith the Corporation may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Corporation in executing the work which they are required by subsection (2) of this section to execute or which they are empowered by subsection (3) of this section to execute shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house.

(5) If the Corporation make default in executing the work which they are required by subsection (2) of this section to execute they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof the Corporation shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to the provisions of subsection (6) of this section where on the appointed day two or more houses were being supplied with water by a single service pipe the Corporation shall not require the provision of separate service pipes for those houses until either—

(a) the existing supply pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses; or

- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are by structural alterations to one or more of them converted into a larger number of houses.

84. Where any premises which are within the limits of supply abut on or are situate near to any street which is as to the whole or a part of its width outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of those premises exercise with respect to the whole width of the street the like powers of laying inspecting repairing altering renewing and removing service pipes with any necessary stop-cocks and fittings and of breaking open the street for that purpose as are exerciseable by them with respect to streets within the limits of supply subject however to the like conditions and obligations.

Power to break open streets forming boundary of limits of supply.

85.—(1) On every service pipe laid after the appointed day the Corporation shall and on every service pipe laid before that date the Corporation may fit a stop-cock enclosed in a covered box or pit of such size as may be reasonably necessary.

As to position &c. of stop-cocks.

(2) Every stop-cock fitted on a service pipe after the appointed day shall be placed in such position as the Corporation deem most convenient:

Provided that—

(a) a stop-cock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable; and

(b) a stop-cock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

(3) Where any person has covered over or otherwise obstructed the access to any stop-cock or has caused or permitted any stop-cock to be covered over or the access thereto to be obstructed the expense incurred by the Corporation of uncovering the stop-cock or removing the obstruction shall be paid to the Corporation by that person and may be recovered by them as water rates are recoverable.

86.—(1) If the Corporation have reason to think that some injury to or defect in a supply pipe which they are not under obligation to maintain is causing or is likely to cause waste of water or injury to person or property they may execute such work as they 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 pipe is discovered the expenses reasonably incurred by the Corporation in discovering it and

Power to repair supply pipes.

PART V
—cont.

in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises:

Provided that except in emergency the Corporation shall not under the powers of this section enter any house or private premises unless they shall have given to the occupier of such house or premises (and if the supply pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

(2) Where several houses in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses the amount of any such expenses as aforesaid reasonably incurred from time to time by the Corporation in the maintenance and repair of that pipe may be recovered by them summarily as a civil debt from those owners or occupiers in such proportions as in case of dispute may be settled by a court of summary jurisdiction.

Certain provisions to cease to apply to communication pipes.

87. On and after the appointed day the provisions of this Part of this Act shall have effect in substitution for the provisions of sections 44 to 47 (with respect to the communication pipes to be laid by the undertakers) and of sections 48 to 52 (with respect to the communication pipes to be laid by the inhabitants) of the Waterworks Clauses Act 1847 so far as those sections relate to any pipe which constitutes or forms part of a communication pipe.

PART VI.

STREETS AND BUILDINGS.

Adjustment of boundaries of estates.

88.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons

interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed-upon or in default of agreement be determined by arbitration as aforesaid:

Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

89.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriage-way thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having

Restrictions
on rights of
breaking up
streets.

PART VI
—cont.

statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between the premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas water or electricity as the case may be. In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

62 & 63 Vict.
c. 19.

Compensation
for injuring
lamps &c.

90. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt.

91.—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

PART VI
—cont.
Signs over
streets.

(2) (a) If it appears to the Corporation that any sign which is placed over any street within the borough at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the first day of November one thousand nine hundred and forty-two.

(3) (a) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street within the borough.

(b) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(5) The provisions of this section shall not apply to any sign erected by a railway company for railway purposes over any street belonging to and forming part of any station or depot of such company.

92.—(1) Before any person shall erect on any land in the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he

As to
erection of
retaining
walls.

PART VI
—cont.

shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway or canal company or to any retaining wall erected thereon.

Restrictions
on
advertisement
hoardings.

93.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within fifteen feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The consent of the Corporation under this section shall not be required for a hoarding or similar structure—

(a) erected within any railway station or upon any property of a railway company for the purposes of such railway company; or

(b) erected upon any property of the Grand Union Canal Company for the purposes of that company;

except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

94.—(1) Before placing or erecting in the borough any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall

As to
erection of
hoardings
&c. at street
corners.

be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

PART VI
—cont.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

15 & 16
Geo. 5. c. 68.
25 & 26
Geo. 5. c. 47.

95.—(1) The Corporation may by notice in writing require—

Repair of
hoardings &c.

(a) the owner of any hoarding wall or similar structure used for advertising purposes in the borough to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes in the borough to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

PART VI
—cont.
Elevation
of new
buildings.

96.—(1) Section 61 of the Public Health Act 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression “ specifications ”):

Provided that section 71 of the Public Health Act 1936 shall extend to the exercise by the Corporation of the powers of the said section 61 as extended by this section.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under section 131 (As to appeals) of this Act shall include the ground that compliance with the Corporation’s decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

97.—(1) Every person who intends to lay out a new street within the borough shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force in the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

51 & 52 Vict.
c. 52.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force in the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

PART VI
—cont.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Nothing in this section contained shall apply to any land occupied or used by a railway company for the purposes of the railway without the consent of the company which consent shall not be unreasonably withheld and any question as to whether any such consent has been unreasonably withheld shall be determined by arbitration.

PART VII.

SEWERS DRAINS &C.

Appor-
tionment to
frontagers
of expenses
of sewer
constructed
under public
highway.

98.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 100 (Provisions applicable to the last two preceding sections) of this Act the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Appor-
tionment to
frontagers
of expenses of
construction
of sewer before
land became a
street.

99.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section of this Act the expenses so incurred so far as

they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

PART VII
—cont.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

100.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

Provisions
applicable
to the
last two
preceding
sections.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of a street of the site of and the land occupied with the new building:

PART VII
—cont.

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building. Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in section 98 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from

the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

101. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of section 98 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act or as the case may be of section 99 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act; and
- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said sections of this Act;

As to
evasion by
owners of
sewerage
expenses.

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections of this Act may be recovered and is charged on the premises under the said last preceding section of this Act.

102.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 or section 108 of the Factories Act 1937 applies shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and

Sanitary
conveniences
for workmen.
1 Edw. 8 &
1 Geo. 6. c. 67.

PART VII
—cont.

until the completion of any such construction or reconstruction maintain such water or other closets and urinals in or in connection with such work as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART VIII.

FINANCE.

Power to
borrow.

103.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements and the construction of the Pitsford reservoir and road diversion.	£480,190	Sixty years from the date or dates of borrowing.
(b) Construction of buildings mains pumping machinery filters plant &c.	£113,610	Thirty years from the date or dates of borrowing.
(c) The provision of new water mains and other waterworks purposes.	£30,000	Thirty 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.

Provided that it shall not be obligatory upon the Corporation to commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this Act for the purposes (a) and (b) until the completion of the Pitsford reservoir or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this

section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART VIII
—cont.

104. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Saving for emergency powers of Treasury.
3 & 4 Geo. 6.
c. 20.

105. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Application of Local Government Act 1933 to existing sinking funds of Corporation.

106. Notwithstanding anything contained in this or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve capital reserve renewals repairs depreciation accident contingency insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

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

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

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum

PART VIII
—cont.

per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

Scheme for
equated
periods.

107.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provisions in regard to all matters incidental to the objects aforesaid.

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

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

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

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

108.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-four the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

PART VIII

—cont.

Consolidated
loans fund.

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of the said sums and their application.

PART VIII
—cont.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital reserve renewals repairs depreciation accident contingency insurance or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as near as may be to the rate which would be payable by the Corporation on such moneys if they were borrowed on mortgage in pursuance of a statutory borrowing power at the date when such moneys are paid into the consolidated loans fund and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations into operation by the Corporation except in accordance with shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

109.—(1) The Corporation may establish a fund (to be called "the capital reserve fund") for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any undertaking of the Corporation as from time to time existing from which revenue is derived) to an amount not exceeding three thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation

Capital
reserve
fund.

such sums out of the general rate fund as the Corporation may from time to time deem expedient. Provided that—

PART VIII
—cont.

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated or paid to the capital reserve fund from the general rate fund shall not exceed in any financial year the equivalent of a rate of twopence in the pound calculated according to the rules made under sections 9 and 58 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds but if the fund is at any time reduced below the sum of twenty thousand pounds the Corporation may recommence and continue the appropriations and payments until the fund be restored to the sum of twenty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

110.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made under sections 9 and 58 of the Rating and Valuation Act 1925.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed ten thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for—

(a) the provision maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith; and

PART VIII
—cont.

- (b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings; and
- (c) the maintenance and repair of buildings (not being buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account);

26 Geo. 5.
& 1 Edw. 8.
c. 51.

which are not comprised in the undertakings of the Corporation as from time to time existing from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be carried to the renewal and repairs fund.

Insurance
fund.

111.—(1) The Corporation may (if they think fit) establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (a) risk of fire in respect of buildings works premises and the contents thereof and other property, whether belonging or on loan to or under the care custody or control of the Corporation;
- (b) risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;
- (c) risk of explosion in respect of boilers;
- (d) risks under the common law the Employer’s Liability Act 1880 the Workmen’s Compensation Act 1925 or any Act or Acts for the time being amending or

43 & 44 Vict.
c. 42.
15 & 16
Geo. 5. c. 84.

extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

- (e) risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises provided or maintained by the Corporation;
- (f) risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;
- (g) risks of loss due to infidelity of officers or servants of the Corporation;
- (h) risks of damage to property of the Corporation by aircraft;
- (i) any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insured in some insurance office of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate

heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the insurance fund in the manner provided in the foregoing paragraph of this subsection shall be carried to and form part of the general rate fund.

(c) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than fifty thousand pounds pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(d) If and so long as the insurance fund amounts to fifty thousand pounds the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (d) of subsection (1) of this section risks of accident to any teacher employed in any public elementary school maintained by the Corporation notwithstanding that such school has not been provided by the Corporation as the local education authority.

(8) The insurance fund may be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency

The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(9) The money standing to the credit of any insurance or accident fund of the Corporation existing at the date of the establishment of the insurance fund shall be credited to the insurance fund and any securities representing the whole or part of any such existing fund shall be deemed to be securities forming part of the insurance fund.

(10) As from the date of the establishment of the insurance fund section 91 (Power to create accident fund) of the Northampton Corporation Act 1911 shall be and is hereby repealed. 1 & 2 Geo. 5. c. lxiv.

112.—(1) The Corporation may if they think fit establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the Art Gallery and Museum or other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the amount (calculated in accordance with the rules made under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one-fifth of a penny in the pound levied in that year in the borough: Art fund.

Provided that when the art fund shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of ten thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this

PART VIII
—cont.

section) an amount equivalent to such income shall be credited to the art fund.

Receipts and
expenses.

113.—(1) Notwithstanding anything contained in this or any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all moneys received on account of the revenue of any of the undertakings of the Corporation; and

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such fund in pursuance of section 106 (Use of moneys forming part of sinking and other funds) and section 108 (Consolidated loans fund) of this Act);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any of the said undertakings or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that in the accounts of the Corporation an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Accounts of
undertakings.

114.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect

of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 106 (Use of moneys forming part of sinking and other funds) and section 108 (Consolidated loans fund) of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in section 115 (As to surplus revenue of undertakings) of this Act other than the purpose mentioned in paragraph (e) of this subsection.

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

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

115.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of section 113 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation out of the general rate fund in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general

As to
surplus
revenue of
undertakings.

PART VIII
—cont.

rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) in providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which is in existence on the first day of April one thousand nine hundred and forty-three shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking; or
- (c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

116. The three last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-three.

Date of
operation
of certain
sections.

117.—(1) From the first day of April one thousand nine hundred and forty-eight until the thirty-first day of March next following the completion of the new works the Corporation shall not carry to any reserve fund in respect of the water undertaking a larger sum than seven thousand five hundred pounds per annum. Limit of water reserve fund.

(2) After the thirty-first day of March next following the completion of the new works the Corporation shall not in any year carry to any reserve fund in respect of the water undertaking a larger sum than one-half per centum of the aggregate amount of the capital expended on the water undertaking.

(3) The reserve fund in respect of the water undertaking shall not at any time exceed a sum equal to one-tenth of the said aggregate amount.

(4) The provisions of this section shall have effect notwithstanding anything contained in section 115 (As to surplus revenue of undertakings) of this Act.

118. The Corporation may pay out of the general rate fund and general rate— Subscriptions to local government associations and other expenses.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

119.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable. Closing of registers.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or

PART VIII
—cont.

register relates shall be entitled to the interest next payable thereon.

Dividend
warrants
by post.

120.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security of the Corporation (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

45 & 46 Vict.
c. 61.

As to
recovery of
rates from
tenants and
lodgers.

121. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Recovery of
rates from
certain
owners.

122.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

PART VIII
—cont.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the Corporation.

123. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any water rate or any water charge 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 person named therein to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

Recovery of rate &c. from persons removing.

124. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Receipts in case of minors.

PART IX.

MISCELLANEOUS.

125. Any telephones and other means of electric communication and any electric lines posts wires conductors works or apparatus made maintained constructed laid down or erected by the Corporation under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained and used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of Postmaster-General.

126. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect (that is to say):—

For protection of county council.

- (1) All buildings to be constructed by the Corporation as part of the purification works and pumping station (Work No. 2) authorised by this Act or under section 8

PART IX
—cont.

- (Subsidiary works) of this Act and to be situate above the surface of the ground shall be constructed and maintained with due consideration to the amenities of the locality and after consultation with the county council and if requested by the county council within a period of five years after the completion of any such building the Corporation shall plant trees in the vicinity thereof for the purpose of screening it:
- (2) The Corporation shall provide and maintain draw-off taps at the said Work No. 2 and on the aqueduct (Work No. 4) authorised by this Act and at the Boughton service reservoir of the Corporation from which taps the medical officer of health for the county council or any members of his staff duly authorised by him in writing shall be entitled at any time to take samples of water for examination and the taking of any such sample and the hour and date of such taking shall be immediately thereafter communicated to the Corporation and duplicates of every such sample handed to them and the said medical officer or any member of his staff duly authorised by him in writing for that purpose may on giving not less than forty-eight hours' previous notice to the engineer of the Corporation enter at all reasonable times on the property of the Corporation for the purpose of inspecting the waterworks aforesaid and appliances used thereat for filtering and treating the water of the Corporation:
- (3) The road diversion (Work No. 5) authorised by this Act shall be constructed with suitable fences on each side and of a width between fences of sixty feet and a carriageway of an uniform width throughout of twenty feet. The embankment and any bridges for carrying the said road diversion shall be of such strength as shall conform to the standard of loading prescribed by the Minister of War Transport for highway bridges and the gradient shall not exceed one in twenty. The said embankment and the structure of any such bridge together with the fences and parapets thereof shall when completed be maintained by and at the expense of the Corporation and to the reasonable satisfaction of the county council and the Corporation shall also maintain the roadway thereon to the like satisfaction for a period of three years after the completion of the work. All work in connection with the said road diversion shall be done under the supervision and to the reasonable satisfaction of the county council:

- (4) The reasonable approval of the county council shall be obtained before the Corporation effect a junction between a county road within the meaning of the Local Government Act 1929 and any access or other road constructed under the powers of this Act:
- (5) No telephones or other means of electric communication machinery electric lines works or apparatus shall be laid under the powers of section 8 (Subsidiary works) of this Act in a highway otherwise than in accordance with the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets or shall be carried over a highway otherwise than with the approval of the county council which approval shall not be unreasonably withheld:
- (6) The county council shall be entitled to apply to the Minister for a revision of water rates under section 21 (Revision of water rates) of the Northampton Corporation Act 1922 as if they were a local authority within the meaning of that section:
- (7) Any difference which may arise under this section shall be referred to and determined by arbitration.

127. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to establish information bureaux.

128. It shall be lawful for the Corporation —

Provision of lectures.

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the amount (calculated in accordance with the rules made under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one-third of a penny in the pound in addition to any moneys received by the Corporation under the provisions of this section.

PART IX

—cont.

Maintenance
of graves in
burial
grounds.42 & 43 Vict.
c. 31.

129.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and to accept a sum of money from any person in consideration of such maintenance.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

(3) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section or use the same in manner provided by section 106 (Use of moneys forming part of sinking and other funds) or section 108 (Consolidated loans fund) of this Act.

Application
of Emergency
Powers
(Defence)
Acts 1939
and 1940.

130. Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

As to
appeals.

131.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part VI (Streets and buildings) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Corporation shall not execute such work or take such action; and

(c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act, a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

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

133. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the borough directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936. Compensation how to be determined.

134. Whenever the Corporation the surveyor or the sanitary inspector under an enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of In executing works for owner Corporation liable for negligence only.

PART IX
—cont.

any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Appor-
tionment of
expenses in
case of joint
owners.

135. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages
and charges
to be settled
by court.

136. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Application
of
Arbitration
Acts.

137. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Breach of
conditions of
consent of
Corporation.

138. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation 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.

Application of
section 265 of
Public Health
Act 1875.

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

140. The Minister may hold such inquiries as he considers necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

PART IX
—cont.
Inquiries by
Minister.

141.—(1) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Application
of provisions
of Public
Health Act
1936.

- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part VI (Streets and buildings) and Part VII (Sewers drains &c.) of this Act (that is to say):—

- Section 277 (Power of councils to require information as to ownership of premises);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments);
- Section 292 (Power to make a charge in respect of establishment expenses);
- Section 295 (Power of local authority to grant charging orders);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925).

PART IX
—cont.
Saving for
indictments
&c.

142. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act:

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Repeal.

143.—(1) The following enactments are hereby repealed:—

Northampton Waterworks Act 1861—

Section 53 (Consumers to have option of supply by meter);

Section 55 (Rate of supply by meter).

45 & 46 Vict.
c. lxxiv.

Northampton Waterworks Act 1882—

Section 5 (Provisions for sale of portions of undertaking to sanitary authorities);

Section 15 (What not to be deemed domestic purposes);

Section 17 (Pressure at which water to be supplied);

Section 18 (Increased supply not to be enforced for certain time):

Northampton Corporation Act 1911—

Section 96 (Power to borrow under Local Loans Act 1875);

Section 97 (Power to re-borrow);

Section 99 (Return to Local Government Board as to repayment of debt);

Section 104 (Scheme for fixing equated periods);

Section 127 (In executing works of owner Corporation not liable for damages save in case of negligence):

3 & 4 Geo. 5.
c. 15.

Northampton Corporation Water Act 1913—

Section 24 (Dwelling-houses for persons in Corporation's employment);

Section 25 (Reservation of water rights on sale);

Section 29 (Powers in relation to water mains);

Section 36 (As to supply of water for motor vehicles);

Section 43 (Power to remove meters and fittings);

Section 46 (Guarantees by district councils):

Northampton Corporation Act 1922—

Section 22 (Application of section 35 of Waterworks
Clauses Act 1847);

Section 69 (Further power for acquisition of land);

Section 70 (Power to retain sell &c. lands).

(2) On the first day of April one thousand nine hundred and forty-three the following enactments so far as the same are still in force are hereby repealed:—

Northampton Corporation Waterworks Act 1884—

Section 24 (Application of revenue);

Section 25 (Deficiency in water account);

Northampton Corporation Act 1911—

Section 108 (Application of tramway revenue).

(3) On the first day of January one thousand nine hundred and forty-four the following enactments are hereby repealed:—

Northampton Corporation Water Act 1913—

Section 33 (As to communication pipes);

Section 34 (Maintenance of common pipe);

Section 37 (Corporation not bound to supply several houses by one pipe);

Northampton Corporation Act 1922—

Section 23 (Corporation to connect communication pipes with mains);

Section 24 (Agreements as to repair of communication pipes);

Section 25 (Power to Corporation to repair communication pipes).

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

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

The SCHEDULE referred to in the Foregoing Act.

LIMITS OF SUPPLY.

In the County of Northampton—

County borough of Northampton;
Rural district of Northampton.

In the rural district of Brixworth—

Parishes of—

Boughton	Holcot
Brington	Holdenby
Brixworth	Hollowell
Chapel Brampton	Moulton
Church Brampton	Old
Cottesbrooke	Overstone
East Haddon	Pitsford
Great Creaton	Ravensthorpe
Guilsborough	Scaldwell
Hannington	Spratton
Harlestone	Walgrave

In the rural district of Daventry—

Parishes of—

Brockhall	Stowe Nine Churches
Flore	Whilton

In the rural district of Towcester—

Parishes of—

Blisworth	Pattishall
Cold Higham	Shutlanger
Gayton	Stoke Bruerne
Green's Norton	Tiffield

In the rural district of Wellingborough—

Parishes of—

Earls Barton	Hardwick
Ecton	Mears Ashby
Great Doddington	Sywell
Grendon	Wilby

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NORTHAMPTON CORPORATION ACT, 1943.

[6 & 7 GEO. 6. Ch. xv.]

ERRATA

Page 1, Royal Assent date :

For “ [6th August 1943] ”

Read “ [5th August 1943] ” .

Page 68, Section 108, Subsection (5) :

For “ into operation by the Corporation except in
accordance with ”

Read “ -tions of the Corporation to the holders of
authorised securities ”

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