



CHAPTER lxxii.

An Act for conferring further powers on the Devonport Water Company for the acquisition of lands and the supply of water and for defining and extending their limits of supply and for making provisions for the purchase by the East Stonehouse Local Board of a portion of the undertaking of the Company and for the supply of water in bulk by the Company to that Local Board and for other purposes. [29th June 1893.]

A.D. 1893.

WHEREAS by an Act passed in the thirty-third year of the reign of King George the Third chapter eighty-five intituled "An Act for supplying the towns of Plymouth Dock Stoke Damerel Stonehouse and the parts adjacent in the county of Devon with water" (in this Act called the Act of 1793) a company was incorporated by the name and style of the Company of Proprietors of the Plymouth Dock Waterworks for supplying with water the inhabitants of Plymouth Dock Stoke Damerel Stonehouse and of the parts adjacent and the shipping resorting thereto and empowered to execute the works by that Act authorised and generally to carry the powers of that Act into execution and duties and obligations were thereby imposed on the Company of supplying and in relation to the supply of water to certain of the Government establishments at Plymouth Dock and Stonehouse :

33 Geo. III.
c. lxxxv.

And whereas by the Plymouth Dock (Devonport) Waterworks Act 1876 (in this Act called the Act of 1876) provisions were made with reference to the capital of the Company existing at the passing of that Act and further powers were conferred and obligations imposed on the Company in relation to the construction of works the filtration of water supplied by them for domestic purposes the supply of water the raising of moneys and otherwise in relation to their undertaking and certain sections of the Act of 1793 were repealed :

39 & 40 Vict.
c. lxxi.

[Ch. lxxii.] *Devonport Waterworks Act, 1893.* [56 & 57 VICT.]

A.D. 1893.

52 & 53 Vict.
c. lxxii.

And whereas by the Devonport Waterworks Act 1889 (in this Act called the Act of 1889) further powers were conferred on the Company for the enlargement of some of their existing works the construction of new works the acquisition of additional lands the raising of additional share and loan capital and otherwise in relation to their undertaking and the name of the Company was changed to the Devonport Water Company :

And whereas it is expedient that the Company be empowered to acquire additional lands as by this Act authorised :

And whereas in addition to supplying water to the inhabitants of Plymouth Dock Stoke Damerel and Stonehouse the Company have for many years past supplied and are now supplying water in parts adjacent to the parish of Stoke Damerel :

And whereas differences have arisen with reference to the limits of supply of the Company under the Act of 1793 so far as regards the districts for the time being answering the description of parts adjacent to Plymouth Dock Stoke Damerel and Stonehouse mentioned in that Act and it is expedient that the limits within which the Company may supply water and exercise the powers of the herein-before recited Acts and this Act be defined and extended as by this Act provided :

And whereas the Company are under the obligation to supply and have constructed works and laid down pipes for supplying water throughout Stonehouse otherwise East Stonehouse and have since the year 1798 or thereabouts supplied and are now supplying to all persons in Stonehouse demanding a supply water for domestic and trade purposes and in pursuance of the provisions in that behalf of the Act of 1793 some of the Government establishments in Stonehouse and the Company also provide in Stonehouse free of charge a supply of water for extinguishing fires :

14 & 15 Vict.
c. cxi.

And whereas by the East Stonehouse Waterworks Act 1851 (in this Act called the Act of 1851) reciting an Act 35 Elizabeth cap. 10 certain commissioners were appointed for the purposes of the Act and for making and maintaining the works by that Act authorised and for supplying the parish and township of East Stonehouse and the liberties and precincts thereof in the county of Devon with water and otherwise carrying the Act into execution :

37 & 38 Vict.
c. clii.

And whereas by a provisional order made by the Local Government Board under the provisions of the Local Government Act 1858 and the Public Health Act 1872 respectively and confirmed by the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 4) the Act of 1851 was in divers respects amended and all the jurisdictions powers rights lands hereditaments moneys property effects duties rents rates penalties debts and liabilities

vested in and attaching to the said commissioners under the Act of 1851 were transferred to the East Stonehouse Local Board (in this Act called the Local Board) the sanitary authority for the urban sanitary district of East Stonehouse in this Act called the Stonehouse district: A.D. 1904.

And whereas the works and sources of supply of the Local Board are wholly insufficient for affording an adequate supply of water to the Stonehouse district:

And whereas the Company are willing to come under the obligation to supply to the Local Board in perpetuity on the terms and conditions in this Act mentioned any water they may require for the purpose of supplying water for the Stonehouse district and the Company are also willing in order that instead of the water supply to the district being given as at present partly by the Local Board and partly by the Company the Local Board should have on fair terms the supply of the district of which they are the urban sanitary authority in their hands and under their control and in order thereto the Company are prepared to sell to the Local Board the Stonehouse portion of their undertaking and it is expedient that such provisions as are in this Act contained be made for the transfer to and vesting in the Local Board of the Stonehouse portion of the undertaking of the Company and for requiring the Company to supply to the Local Board in bulk any water they may require for the purposes of the Stonehouse district:

And whereas plans showing the lands which may be acquired under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Devon and are hereinafter respectively referred to as the deposited plans and books of reference:

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

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

1. This Act may be cited as the Devonport Waterworks Act Short title.
1893.

2. The following Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

A.D. 1893.

The Lands Clauses Acts ;

The Waterworks Clauses Acts 1847 and 1863 :

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act take effect as if the words " with " the consent in writing of the owner or reputed owner of any such " house or of the agent of such owner " were omitted therefrom.

Interpreta-
tion.

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

And in this Act unless the context otherwise requires—

The expression " the Company " means the Devonport Water Company ;

The expression " the Local Board " means the East Stonehouse Local Board the sanitary authority for the urban sanitary district of East Stonehouse ;

The expression " the Stonehouse district " means the urban sanitary district of East Stonehouse ;

The expressions " the district fund " and " the general district rate " mean respectively the district fund and the general district rate of the Stonehouse district ;

The expressions " the Stonehouse portion of the undertaking of the Company " " the Stonehouse portion of the undertaking " respectively mean and include all lands works mains pipes plant machinery apparatus meters implements fittings property and effects belonging to the Company situate and being within the Stonehouse district and all the rights powers privileges easements and obligations of the Company for and in relation to the sale and supply of water in and throughout the whole of the Stonehouse district and such portion of the undertaking of the Company as is situate in the Stonehouse district :

And for the purposes of this Act—

The expression " superior courts " or " court of competent jurisdiction " or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to
acquire
additional
lands.

4. The Company may take on lease use and hold and the Right Honourable Sir Massey Lopes Baronet Henry Yarde Buller Lopes and the trustees of the Maristow estates (hereinafter in this section called " the owners ") may and shall grant to the Company a lease for nine hundred and ninety-nine years at a rent of seven pounds a year of

the following lands shown upon the deposited plans and described in the deposited books of reference (that is to say) :—

Certain lands with the cottage and buildings thereon situate at Higher Lowery in the parish of Walkhampton in the county of Devon abutting on or near to the highway adjoining the leat and lands of the Company and belonging or reputed to belong to the owners and in the occupation of the Company and numbered respectively 1336 1306 and 1335 on the $\frac{1}{2500}$ Ordnance map of that parish.

5. For the protection of the Right Honorable Sir Massey Lopes Baronet Henry Yarde Buller Lopes and the trustees of the Maristow estates and their successors in estate (hereinafter in this section called "the owners") the following provisions shall be observed and have effect (that is to say) :—

For the protection of Sir Massey Lopes Baronet and the trustees of the Maristow estates.

- (1.) Within six months from the passing of this Act the Company shall provide on the course of their leat places for cattle to drink not exceeding fifteen in number at such points as may be required by the owners Provided that no obligation on the Company to supply such places with water shall be implied and no right to such supply shall be or be deemed or construed to be conferred on the owners under the provisions of this section :
- (2.) The Company shall at the request of the owners erect and maintain fencing at any points of their leat where dangerous to cattle and sheep in enclosed lands belonging to the owners and the said owners shall afford all reasonable facilities to the Company for the construction within the limits of the lands of the Company of such fences as the Company may think fit along any portion of the course of their leat :
- (3.) The Company shall hereafter provide and maintain bridges across their leat where it traverses the estate of the owners at such places not exceeding six as the said owners may require Provided that the Company shall not be bound to expend upon the erection of such bridges a larger sum than fifty pounds :
- (4.) The Company shall make and maintain a channel to take the overflow from Lowery Hatch through the lands of the owners towards the River Mewe and the owners shall give the lands and stone necessary for the construction of such channel and afford facilities for the construction thereof Provided that the Company shall not be bound to expend on the making of such channel a larger sum than twenty pounds.

6. The limits within which the Company may supply water and exercise the powers rights privileges and authorities and shall be subject to the duties and obligations of the recited Acts of

Defining and extending limits of supply.

A.D. 1893.

1793 1876 1889 and this Act and within which those Acts shall be in full force and have effect shall be the parish of Stoke Damerel and (subject to the provisions herein-after in this Act contained for the cesser of the powers of the Company in the Stonehouse District) the parish of Stonehouse (otherwise East Stonehouse) in the county of Devon and the following portions of the parish of Pennycross otherwise Weston Peverell in the same county (that is to say):—

Such part of the parish of Pennycross as is situate and lies to the north and west of an imaginary line commencing in the road called or known as Lower Venn Lane at the point where such road crosses the boundary between the parishes of Stoke Damerel and Pennycross thence proceeding along the said road to Higher Venn thence along the western boundary of the Tor Grove estate to the road leading from Devonport to Tavistock thence along that road in a north-easterly direction to and terminating at a point known as Dock Lane End and such part of the said parish of Pennycross as is situate and lies to the south and west of an imaginary line commencing at the termination of the imaginary line above described thence proceeding in a straight line in a north-westerly direction to the boundary between the said parish of Pennycross and the parish of St. Budeaux (but not including those parts of the parish of Pennycross which are situate and lie to the south and east of the imaginary line first herein-before described and to the north and east of the imaginary line secondly herein-before described) and which portions of the said parish of Pennycross otherwise Weston Peverell are shown and coloured red on a plan signed in duplicate by Sir Richard Temple Baronet the chairman of the committee of the House of Commons to whom the Bill for this Act was during its progress through Parliament referred one copy of which plan has been deposited in the office of the clerk of the Parliaments and the other copy whereof has been deposited in the private bill office of the House of Commons.

Contracts
for supply-
ing water
for public
purposes.

7. The Company may from time to time enter into and carry into effect agreements with Her Majesty's Principal Secretary of State for the War Department the Lords of the Admiralty and any county local or sanitary authority for the supply by the Company in any parish or place in which any parts of the works of the Company are situate to any such Government county local or sanitary authority respectively of water whether in bulk or otherwise provided that such supply of water do not interfere at any time with the supply of water for domestic purposes within the limits of supply of the Company Provided also that the Company shall not under the powers of this section supply water in any parish or place which is

within the limits in which the mayor aldermen and burgesses of the borough of Plymouth may supply water and not within the limits in which the Company may supply water except with the previous consent in writing of such mayor aldermen and burgesses. A.D. 1893.

8.—(1.) The Company shall sell and the Local Board shall purchase the Stonehouse portion of the undertaking of the Company in accordance with and subject to the provisions of this Act at such price being a sum in gross as shall be agreed or in default of agreement be fixed by arbitration under the provisions of the Arbitration Act 1889. Company to sell and Local Board to purchase Stonehouse portion of undertaking of Company.

(2.) The purchase shall be completed within two years after the passing of this Act or within such further period as shall be agreed upon.

(3.) The Company shall not without the previous consent in writing of the Local Board enter into any new liability contract agreement or other obligation in relation to the Stonehouse portion of the undertaking except such as may be in the ordinary course of the proper conduct of the same and except in cases of emergency and the arbitrators or umpire shall not take into account any new liability contract agreement or other obligation except as aforesaid which may have been incurred by the Company in relation to the Stonehouse portion of the undertaking since the date of the passing of this Act.

(4.) Until the purchase shall be actually completed the Company shall continue to carry on the Stonehouse portion of the undertaking and shall be entitled to receive and take the rents rates and other revenue arising therefrom and shall continue to keep the mains pipes plant machinery apparatus meters fittings implements and effects forming part of the Stonehouse portion of the undertaking in the same state of order and repair as they shall be at the date of the publication of the award reasonable wear and tear excepted.

(5.) The purchase sale and transfer of the Stonehouse portion of the undertaking shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and such deed may be in the form set forth in the schedule to this Act or to the like effect and upon payment of the purchase money and execution of such deed the Stonehouse portion of the undertaking shall by virtue thereof and this Act become and the same shall thenceforth be transferred to and vested in the Local Board together with all the rights powers easements privileges and obligations of the Company in relation thereto and the time of such transfer and vesting is herein-after referred to as the "vesting period":

The deed shall within three months from its date be produced to the Commissioners of Inland Revenue and in default of such

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production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

(6.) On and from the vesting period the Stonehouse portion of the undertaking shall be vested in the Local Board as part of their existing water undertaking and so that the statutory provisions under which the Local Board supply water shall apply as if the Stonehouse portion of the undertaking had originally formed part of the water undertaking of the Local Board.

(7.) On and from the vesting period all rights powers and obligations of the Company to supply or in relation to the supply of water within the Stonehouse district except to the Local Board under the provisions hereinafter in this Act contained shall absolutely cease and determine.

(8.) The Local Board shall repay to the Company the cost of any additions or extensions to the Stonehouse portion of the undertaking made by the Company with the consent of the Local Board in the ordinary course of the proper conduct of the Stonehouse portion of the undertaking between the date of the publication of the award and the date of the actual completion of the purchase by the Local Board.

(9.) If the purchase money be not paid within six months after the appointed day for the completion of the purchase the Company may enforce the payment thereof in the manner provided by section 12 of the Local Loans Act 1875 and for this purpose the purchase money shall be deemed to be charged upon the general district rate.

Local Board may exercise powers &c. of Company relating to Stonehouse portion of undertaking.

9. From and after the vesting period the Local Board may exercise and enjoy all the rights powers privileges easements and authorities which were vested in the Company before such transfer as far as the same respectively related to the Stonehouse portion of the undertaking or were exerciseable by the Company within the limits of the Stonehouse district except powers of raising money and powers inconsistent with the provisions of this Act Provided always that the Stonehouse portion of the undertaking in the hands of the Local Board shall be freed and discharged from all mortgages debts claims and other liabilities of what kind soever of the Company.

Actions &c. not to abate and penalties to be recoverable.

10. No action suit prosecution or other proceeding whatsoever commenced either by or against the Company shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Local Board of the Stonehouse portion of the

A.D. 1893.

undertaking but the same shall continue and take effect either in favour of or against the Company in the same manner in all respects as the same would have continued and taken effect in relation to the Company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the Company binding on the Company prior to the transfer may be sued for and all offences committed against such provisions prior to the transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offence prosecuted if the transfer had not taken place and all rents rates and moneys payable to the Company prior to or at the vesting period may be sued for and recovered by the Company in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

11.—(1.) From and after the vesting period all powers rights duties and obligations conferred or imposed by the Act of 1793 or any other Act on the Company of supplying and in relation to the supply of water to the Government establishments in the Stonehouse district shall be exercised enjoyed performed and fulfilled by the Local Board.

Provisions as to supplying Government establishments in Stonehouse :

(2.) From and after the vesting period the net annual rent or sum of five hundred pounds payable by the Government departments to the Company for a supply of water to the Government establishments in the Stonehouse district and at Plymouth Dock in pursuance of the provisions of the Act of 1793 shall be apportioned between the Company and the Local Board in such manner as may be mutually agreed or as shall in default of agreement be determined by an arbitrator to be appointed on the application of either party by the Local Government Board.

And apportionment between Company and Local Board of sum paid by Government departments.

12. The receipt of any three directors of the Company for the purchase money of the Stonehouse portion of the undertaking indorsed on the deed of transfer shall be a sufficient discharge to the Local Board for the same and the Local Board shall not be bound to see to the application or be answerable for misapplication or non-application thereof.

Receipt of directors a discharge.

13. The Company shall apply the proceeds of the sale of the Stonehouse portion of the undertaking in the first place in repayment of moneys borrowed by them and the balance (if any) may be applied by the Company to any of the purposes of the Company to which capital is properly applicable.

Application of proceeds of sale of Stonehouse portion of undertaking.

14.—(1.) If at any time after the passing of this Act the Local Board by three months' previous notice in writing to the Company require the Company to sell and supply to them any water they

Provisions with reference to a supply of

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water in
bulk by the
Company to
the Local
Board.

may from time to time require for the purpose of supplying water for the Stonehouse district the Company shall at the expiration of such three months' notice afford to the Local Board such supply.

(2.) The supply shall be given by the Company to the Local Board in such quantities on every day as the Local Board shall by three months' previous notice require.

(3.) The supply shall be afforded by the Company to the Local Board at such times and in such manner as the Local Board and the Company may agree or as in default of agreement shall be settled by an arbitrator to be on the application of either party appointed by the Local Government Board.

(4.) The supply shall if so required by the Local Board be in perpetuity.

(5.) The price to be paid by the Local Board to the Company for the supply shall be such sum for every thousand gallons supplied as may be agreed between the Company and the Local Board or as in default of agreement shall be settled by an arbitrator to be appointed as hereinbefore in this section mentioned.

(6.) The costs of and incident to any arbitration and award under this section shall be borne and paid as the arbitrator shall direct.

(7.) The Company and the Local Board may from time to time enter into and carry into effect and rescind agreements for all or any of the purposes of this section and all matters incidental thereto on such terms and conditions as they respectively think fit.

Power to
Local Board
to borrow
for purposes
of Act.

15. The Local Board may from time to time independently of any other borrowing power borrow at interest in manner provided by this Act for the purchase of the Stonehouse portion of the undertaking the amount of the purchase money and of the taxed costs charges and expenses of and incidental to the award and purchase payable by them And the Local Board may mortgage the revenue of their water undertaking and the district fund and general district rate (or either of those securities) to secure the repayment of the moneys borrowed with interest.

Certain
regulations
of Public
Health Act
as to bor-
rowing by
Local Board
not to apply.

16. The powers of borrowing money by this Act given to the Local Board shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions
of Public
Health Act
as to mort-
gages of

17. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted by the Local Board under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

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Section 238. Transfer of mortgages.

Local Board
to apply.

Section 239. Receiver may be appointed in certain cases.

18. The Local Board shall pay off all moneys borrowed by them under this Act within the period of sixty years from the date of the borrowing of the same (in this Act referred to as the prescribed period).

Period for
payment off
of money
borrowed by
Local Board.

19.—(1.) The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to
Local Board
to borrow
under Local
Loans Act
1875.

(2.) All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

(3.) All moneys borrowed in accordance with this section shall be paid off within the prescribed period.

20. The Local Board shall pay off or make provision for paying off all money borrowed by them under the powers of this Act by any one or more of the methods mentioned in the Local Loans Act 1875 and subject to the provisions of this Act sections 13 14 and 15 of that Act shall apply accordingly.

Payment off
of money
borrowed
by Local
Board.

21.—(1.) Where the Local Board effect the repayment of any sum borrowed under this Act by means of a sinking fund they shall in every year appropriate and set apart out of the funds rates tolls or revenue on the security of which money is borrowed under this Act such equal annual sum as will with the accumulations thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the sum borrowed within the prescribed period.

Provisions
as to sinking
fund of
Local Board.

(2.) The date for the commencement of such appropriation in respect of any sum borrowed under this Act shall be the thirty-first day of March next following the date on which such sum is borrowed.

(3.) All sums paid into the sinking fund shall be as soon as may be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities authorised by Act of Parliament of any local authority as defined

Investment
of sinking
fund.

A.D. 1893.

by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Local Board in like manner.

(4.) And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds or rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

Application
by Local
Board of
sinking fund.

22. (1.)—The Local Board may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created.

(2.) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of the principal moneys owing by the Local Board under this Act have been paid off pay into the sinking fund every year in addition to the other sums hereinbefore required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the equal annual payments to the sinking fund are based.

(3.) When the amount standing to the credit of the sinking fund shall be equal to the principal moneys then due and outstanding the Local Board may in lieu of investing the yearly income arising from the sinking fund apply the same in payment of the interest of the principal moneys then due and outstanding and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to
Local Board
to reborrow.

23. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time reborrow

the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

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

Protection of lender to Local Board from inquiry.

25.—(1.) The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Local Board shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

Annual return by Local Board to Local Government Board with respect to sinking fund.

(2.) If it appears to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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Application
of money
borrowed by
Local Board.

26. Money borrowed by the Local Board under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Saving
priority of
existing
charges of
Local Board.

27. All charges on the property revenues and rates of the Local Board existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Local Board under the powers of this Act.

Power to
Company to
apply funds.

28. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

For the
protection of
the borough
of Devon-
port.

29. Nothing in this Act shall authorise the Company to supply water for any purpose to the Local Board so as to interfere with the supply of water for domestic purposes within the borough of Devonport and the extended limits.

Costs of Act.

30. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

