

**CHAPTER xci.**

An Act to empower the Fylde Water Board to construct further aqueducts and other water-works to extend the limits of the Board for the supply of water to provide for the purchase by the Board of the church and vicarage at Dalehead in the west riding of Yorkshire to authorise the Board to borrow money for the construction of the said works and others and for other purposes: A.D. 1935.  
[2nd August 1935.]

**W**HEREAS by the Fylde Waterworks (Transfer) Act 1897 the Fylde Water Board (in this Act called "the Board") were constituted and incorporated and were empowered to supply and are supplying water within the boroughs of Blackpool Lytham Saint Annes and Fleetwood and other places all in the county palatine of Lancaster :

And whereas by the Fylde Water Board Act 1912 (in this Act called "the Act of 1912") the Board were authorised to construct three reservoirs (including the Stocks reservoir) and other works and to take water from the river Hodder and its tributaries :

And whereas by the Fylde Water Board Act 1925 (in this Act called "the Act of 1925") the Board were empowered to enlarge the Stocks reservoir authorised by the Act of 1912 instead of constructing the three reservoirs authorised by that Act :

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And whereas by the Act of 1912 the Board were authorised to construct (inter alia) an aqueduct Work No. 5 consisting of one or more conduits or lines of pipes from the Stocks reservoir to the Whinbrick service reservoir :

And whereas one line of pipes of the said aqueduct has been completed and it is expedient to construct certain deviations of the additional line or lines of pipes now proposed to be constructed as by this Act provided :

And whereas it is expedient to extend the limits of supply of the Board as by this Act provided :

And whereas by the Act of 1925 certain provisions were enacted in respect of the parish church of St. James Dalehead and other premises in connection therewith and it is expedient that to the extent to which such provisions have not been carried out the same be repealed and that the provisions of this Act be enacted with regard to the purchase of the said church and the vicarage house and grounds attached thereto :

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

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

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

For the construction of the aqueducts authorised by this Act	£
456,550	
For the provision of water mains and other waterworks purposes	134,000
For the additional cost of constructing the Stocks reservoir (Work No. 1) authorised by the Act of 1912 enlarged as authorised by the Act of 1925	176,600
For filter-houses and extensions of filtration plants	132,100
For covering and improving existing service reservoirs	185,700

	£	A.D. 1935.
For the extensions of head offices and construction of a depot and other works - - - - -	46,600	—
For and in connection with the purchase and demolition of Dalehead church and vicarage - - - - -	3,000	

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the county councils of the administrative counties of the west riding of Yorkshire and the county palatine of Lancaster and with the town clerk of the county borough of Blackpool which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

1. This Act may be cited as the Fylde Water Board Act 1935. Short title.

2.—(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 Acts.

(i) The Lands Clauses Acts with the following exception and modification :—

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

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

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(ii) The Waterworks Clauses Act 1847 except—

(a) 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;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(iii) The Waterworks Clauses Act 1863; and

(iv) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

(2) In the construction of the provisions of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expression “the undertakers” means the Board and in the construction of the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “the railway” and “the centre of the railway” mean respectively the waterworks by this Act authorised and the centres of the aqueducts respectively.

Interpre-  
tation.

3.—(1) 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 (except in the cases specifically mentioned in subsection (2) of the preceding section) unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“The Board” means the Fylde Water Board;

“The clerk” means the clerk to the Board and includes any person duly authorised to discharge temporarily the duties of that office;

“The undertaking” means the undertaking for the time being of the Board;

“ The limits of supply ” means the limits for the time being of the Board for the supply of water; A.D. 1935.

“ The existing limits ” means the limits of the Board for the supply of water defined by section 4 (Water limits) of the Fylde Waterworks (Transfer) Act 1897;

“ The Act of 1912 ” “ the Act of 1919 ” and “ the Act of 1925 ” mean respectively the Fylde Water Board Act 1912 the Fylde Water Board Act 1919 and the Fylde Water Board Act 1925;

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

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

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing 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 other than the power of borrowing money conferred by paragraph (a) of subsection (1) of section 215 (Temporary loans &c.) of the Act of 1933;

“ Revenues of the Board ” has the meaning assigned to that expression by section 3 (Interpretation) of the Act of 1925;

“ The Minister ” means the Minister of Health.

4. Subject to the provisions of this Act the Board may for the purposes of this Act and of the undertaking 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. Acquisition of lands.

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Period for  
compulsory  
purchase  
of lands.

5. The powers of the Board under this Act for the compulsory purchase of the lands in the township of Weeton-with-Preese in the rural district of Fylde in the county palatine of Lancaster which are numbered on the deposited plans 2 2A 3 to 7 and 9 to 23 shall cease after the expiration of three years from the date of the passing of this Act and for the compulsory purchase of the other lands shown on the deposited plans shall cease after the expiration of seven years from the first day of October nineteen hundred and thirty-five.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

6. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction of the said plans or book of reference and if it appear 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 such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of the west riding of Yorkshire or the clerk of the county council of the county palatine of Lancaster as the case may require and duplicates thereof shall also be deposited with the clerk of the rural district council and with the clerk of the parish council in whose area the lands in question may be and such certificate or copy and duplicates respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with the certificate.

Power to  
enter upon  
property for  
survey and  
valuation.

7. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act

authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

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8. The following sections of the Act of 1912 and of the Act of 1925 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with the necessary modifications were set out in this Act (namely) :—

Incorporation of certain provisions of Act of 1912 and Act of 1925.

The Act of 1912—

- Section 29 (Temporary discharge of water into streams);
- Section 33 (Application of Waterworks Clauses Act 1847 to aqueducts discharge pipes and telephones);
- Section 34 (For protection of Postmaster-General);
- Section 35 (Temporary stoppage of streets);
- Section 48 (Persons under disability may grant easements &c.);
- Section 50 (Application of moneys arising from sale of lands);
- Section 51 (Reservation of water rights &c. on sale).

The Act of 1925—

- Section 5 (Acquisition of easements);
- Section 6 (Compensation in case of recently acquired interest);
- Section 8 (Extinction of private rights of way);
- Section 10 (Power to retain sell &c. lands) :

Provided that in the application of section 29 (Temporary discharge of water into streams) of the Act of 1912 the powers of that section shall not be exercised so as to damage or injuriously to affect the railways or works of any railway company and that in the application of section 33 (Application of Waterworks Clauses Act 1847 to aqueducts discharge pipes and telephones) of the Act of 1912 the Board shall not construct lay down erect or maintain any discharge pipes

A.D. 1935. — telephone or telegraph posts wires conductors or apparatus in through across or under any street road 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 referred to and determined by an arbitrator to be appointed failing agreement 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 reference and determination :

Provided also that in the application of section 6 (Compensation in case of recently acquired interest) of the Act of 1925 that section shall be read and have effect as if the twentieth day of November nineteen hundred and thirty-four were therein referred to instead of the fourteenth day of November nineteen hundred and twenty-four.

Power to  
make water-  
works.

**9.**—(1) Subject to the provisions of this Act the Board may make and maintain and from time to time alter renew and reconstruct 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 the water-works hereinafter described (namely) :—

Work No. 1 An aqueduct conduit line or lines of pipes situate wholly in the township of Bowland Forest (Low) in the rural district of Bowland in the west riding of Yorkshire commencing by a junction with the Hodder aqueduct (Work No. 5 authorised by the Act of 1912) at a point 175 yards or thereabouts south of the south-westerly corner of the building known as Higher White-well and terminating by a junction with the said Hodder aqueduct at a point 85 yards or thereabouts east of the south-easterly corner of the building known as Lilyholme Barn ;

Work No. 2 An aqueduct conduit line or lines of pipes commencing in the township of Leagram in the rural district of Clitheroe in the county palatine of Lancaster by a junction with the said Hodder aqueduct at a point 420 yards or thereabouts east of the easterly corner of the

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building known as High Head passing through the townships of Little Bowland and Chipping in the said rural district and the townships of Goosnargh and Whittingham in the rural district of Preston in the said county to and terminating in the township of Barton in the last-named rural district by a junction with the said Hodder aqueduct at a point 40 yards or thereabouts south-east of the south-easterly corner of the building known as Craigendowie;

**Work No. 3** An aqueduct conduit line or lines of pipes commencing in the township of Treales Roseacre and Wharles in the rural district of Fylde in the said county by a junction with the said Hodder aqueduct at a point 110 yards or thereabouts south-west of the southerly corner of the building known as the Clifton Arms passing through the township of Medlar-with-Wesham in the last-named rural district to and terminating in the township of Weeton-with-Preese in the last-named rural district by a junction with the said Hodder aqueduct at a point 90 yards or thereabouts south-east of the south corner of the building known as Stanley House;

**Work No. 4** An aqueduct conduit line or lines of pipes commencing in the township of Westby-with-Plumpton in the said rural district of Fylde by a junction with the outlet main from Westby reservoir at a point 230 yards south-east of the south-east corner of the building known as Saint Anne's Roman Catholic Church passing through the townships of Weeton-with-Preese and Hardhorn-with-Newton in the last-named rural district to and terminating in the county borough of Blackpool at the junction of Topping Street and Church Street;

**Work No. 5** An aqueduct conduit line or lines of pipes commencing in the county borough of Blackpool by a junction with the outlet mains from Warbreck reservoir at a point 100 yards or thereabouts south of the north-westerly corner of Warbreck reservoir passing through the urban district of Thornton-Cleveleys to and terminating in the borough of Fleetwood at the junction of Poulton Street and Lord Street.

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(2) The Board may upon lands acquired by them for the purposes of or in connection with the undertaking under the provisions of this Act make and maintain and from time to time alter renew and reconstruct all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or for obtaining access to inspecting maintaining repairing cleansing managing working or using the same or any of them Provided that nothing in this subsection shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of  
deviation  
for water-  
works.

**10.** In the construction of the waterworks authorised by this Act the Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards :

Provided that no part of any such works shall be raised above the surface of the ground unless and except so far as shown upon the deposited sections.

Period for  
completion  
of water-  
works.

**11.**—(1) If the waterworks authorised by this Act and delineated on the deposited plans are not completed by the first day of October nineteen hundred and fifty then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that the Board may extend enlarge alter reconstruct renew or remove any of such waterworks and plant and lay down additional lines of pipes as and when occasion may require.

Works to  
form part of  
undertaking.

**12.** The waterworks authorised by this Act shall for all purposes be deemed to be part of the undertaking.

For pro-  
tection of  
corporation  
of Man-  
chester.

**13.** The provisions of section 8 (For protection of corporation of Manchester) of the Act of 1912 shall extend and apply mutatis mutandis to and in respect of the execution of any of the waterworks authorised by this Act.

14. The following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections and unless otherwise agreed in writing have effect for the protection of Sir Bernard Edward Halsey Bircham Charles Robert Chadwick and William Butler Wasbrough the trustees of the Bowland Estate in the west riding of the county of York (in this section called "the trustees" which expression shall include the trustees for the time being of the said estate and persons claiming under or in succession to them being the owner or owners for the time being entitled to the possession or to the rack rents of the said estate or any part thereof in this section called "the estate") :—

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For pro-  
tection of  
Bowland  
Estate.

(1) The Board shall not without the consent in writing of the trustees enter upon use or acquire any part of the estate or any easement or right in or over the estate other than and except the easement or right of making (including the laying of a tramroad for haulage of materials) maintaining using cleansing repairing and renewing the aqueduct (Work No. 1) by this Act authorised and of obtaining access thereto but the Board may require such easements or rights in accordance with the provisions of subsection (1) of section 5 (Acquisition of easements) of the Act of 1925 Provided that subsections (2) and (3) of such section shall not apply to such easements or rights or to the lands subject thereto or to the Board or to the trustees in respect thereof and provided also that the Board shall within three years after the passing of this Act serve upon the trustees notice to treat in respect of such easements or rights :

(2) The provisions of section 13 (For protection of Bowland Estate) of the Act of 1912 except subsections (1) (2) (3) (5) (9) (10) (21) (22) (26) and (27) thereof are incorporated with and shall as far as the same are applicable and are not inconsistent with the provisions of this Act extend and apply to the aqueduct (Work No. 1) and works in connection therewith authorised by this Act and the trustees their tenants and the estate as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Act with reference thereto respectively.

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For pro-  
tection of  
Prescot  
Proprietary  
Limited.

**15.** Notwithstanding anything contained in this Act the following provisions shall (unless otherwise agreed in writing) apply and have effect for the protection of Prescot Proprietary Limited or other the owners or owner for the time being (in this section called "the owner") of the Derby Estates (in this section called "the estate") in the townships of Chipping Treales Roseacre and Wharles Medlar-with-Wesham and Weeton-with-Preese in the rural districts of Clitheroe and Fylde in the county palatine of Lancaster :—

- (1) The Board in the construction and maintenance of Work No. 2 Work No. 3 or Work No. 4 authorised by this Act (each of which is in this section referred to as "the aqueduct") on the estate may use for any of their purposes any material excavated in the ordinary course of such construction and maintenance from any land belonging to the owner through or over which the Board shall have obtained an easement for the purpose of constructing and maintaining the aqueduct :
- (2) No house or building shall be constructed on any part of the estate in respect of which an easement only is acquired other than valve houses or other similar buildings for working the aqueduct and all such houses and buildings shall be of such design and character as shall be reasonably approved by the owner :
- (3) Before entering upon any part of the estate for the purpose of constructing the aqueduct the Board shall give not less than three weeks' written notice to the owner of their intention so to do and the construction of the aqueduct shall be completed within a reasonable time from the expiration of such notice as aforesaid :
- (4) In the construction and maintenance of the aqueduct in or upon any part of the estate in respect of which an easement only is acquired the Board shall first carefully remove from the surface all vegetable soil on the line or site of the aqueduct and on the completion of such construction or maintenance they shall replace such soil so as to restore the surface as nearly as may be to its former state All surplus soil or material excavated in the construction or

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maintenance of the aqueduct in or upon any part of the estate shall be deposited on such part of the estate as the owner may direct not being at a greater distance from the place from which the same was excavated than one quarter of a mile. No materials other than such as shall have been excavated from the estate or than such as shall be required for the construction of the aqueduct shall be deposited upon any part of the estate which shall not have been acquired by the Board :

- (5) The Board shall in constructing the aqueduct through any part of the estate fence in all excavations from time to time made on the estate or in some other effectual manner prevent cattle sheep or other animals from falling into such excavations and the Board shall when the aqueduct is completed remove such fences :
- (6) The Board shall not excavate any materials from any part of the estate which shall not have been acquired by the Board except so far as may be necessary in the course of constructing and maintaining the aqueduct on such part of the estate :
- (7) The Board shall so far as reasonably practicable lay so much of the aqueduct as passes through the estate so that the top thereof shall not be nearer to the present surface of the land than three feet :
- (8) All walls fences gates sewers drains pipes water supplies and other like matters and things belonging to the owner which may be interfered with by the Board during the construction or maintenance of the aqueduct shall subject to the provisions of this section be made good as soon as practicable by the Board who shall in such construction and maintenance do as little damage as possible to the estate and to the user and enjoyment thereof :
- (9) The Board shall not take or appropriate or interfere with any watercourse spring stream or waters on any part of the estate but where necessary the Board may so divert any such watercourse spring stream or waters that the

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same shall flow as nearly as may be in the same course and at the same level as at present :

- (10) As soon as reasonably practicable after the aqueduct shall have been laid through the estate any telegraph or telephone wires or other means of communication laid by the Board through the estate shall be placed underground by the side of and as near as practicable to the aqueduct :
- (11) No servant of the Board shall after the completion of the aqueduct so far as the same is to be constructed on the estate or any adjoining lands enter upon any part of the estate unless such servant shall be wearing some distinguishing uniform or badge or hold some written or printed authority from the Board and be engaged upon the business of the Board :
- (12) With regard to all carriage drives or roadways on any part of the estate interfered with by the aqueduct the provisions of sections 53 to 58 of the Railways Clauses Consolidation Act 1845 shall be deemed to be incorporated in this section with the substitution in section 56 of the said Act of the words " three months " for the words " twelve months " and in such provisions for the purposes of this section the word " railway " shall mean the aqueduct and the words " the Company " shall mean the Board and the Board shall so far as may be reasonably practicable maintain unaltered the level of the surface of every such carriage drive or roadway as aforesaid at or adjacent to the point of the intersection or crossing thereof by the aqueduct and the aqueduct and any alteration or enlargement thereof at and adjacent to such point of intersection or crossing shall be constructed and every such carriage drive or roadway shall be reconstructed and made good by the Board to the reasonable satisfaction of the owner and so as to cause as little damage as reasonably possible to such carriage drive or roadway and to the user thereof :
- (13) If any question shall arise between the Board and the owner as to the true intent and meaning of any of the provisions of this section or as to

anything to be done or not to be done thereunder the same shall be referred to a single arbitrator and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration :

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- (14) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner or his tenants Provided that the owner shall not in respect of the same loss or damage be entitled to recover compensation or damages under this section and also under any other provision of this Act or any Act incorporated therewith or otherwise but nothing in this section shall deprive the owner of any right to proceed to enforce any of the provisions of this Act by injunction mandamus or other legal process.

16. For the protection of the mayor aldermen and burgesses of the county borough of Preston (in this section referred to as "the corporation") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Board and the corporation apply and have effect (that is to say) :—

For protection of Preston Corporation.

- (1) In this section "apparatus" means and includes any electric lines mains and other works and any water mains pipes and other works :
- (2) Not less than twenty-eight days before commencing any works authorised by this Act under or within twenty-five yards of any apparatus of the corporation the Board shall deliver to the corporation for their approval plans sections and descriptions of the works describing the proposed manner of executing the same :
- (3) The corporation may within twenty-one days from the receipt of such plans sections and descriptions intimate to the Board in writing their requirements so far as such works may affect any apparatus of the corporation :

Provided that if the corporation shall not within the said twenty-one days so intimate to

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the Board they shall be deemed to have no requirements :

- (4) The Board shall not construct the said works except in accordance with the said plans sections and descriptions as approved by the corporation or settled by arbitration as hereinafter provided and shall carry out all such works to the reasonable satisfaction and under the supervision (if given) of the engineer of the corporation who shall be entitled to inspect the said works both during the execution and after the completion thereof The Board shall supply the engineer of the corporation with such information as he may reasonably require with regard to any of the said works proposed to be executed :
- (5) If the said works authorised by this Act as proposed to be executed will interfere with or endanger (whether by subsidence or otherwise) any of their apparatus or impede the supply of electricity or water thereby the corporation may give notice to the Board to raise lower or otherwise alter the position of or to support such apparatus or to substitute temporarily or permanently other apparatus or to execute works for the protection of such apparatus in such manner as may be reasonably necessary :
- (6) All such raising lowering alteration support or substitution or protective works as aforesaid shall be done and executed by and at the expense of the Board but to the reasonable satisfaction and under the supervision (if given) of the engineer of the corporation :
- (7) Not less than twenty-eight days before commencing the construction of any of the said works under or over or within twenty-five yards of any apparatus of the corporation the Board shall give to the corporation notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the corporation shall give notice to the board of their intention themselves to execute

any such raising lowering alteration support or substitution of any of the apparatus of the corporation it shall be lawful for the corporation instead of the Board to execute such works.

Any such works executed by the corporation shall be carried out by the corporation with all reasonable dispatch and the cost reasonably incurred by them in so doing shall on demand be repaid to the corporation by the Board :

- (8) If any interruption in the supply of electricity or water by the corporation shall without the written authority of the corporation be in any way occasioned by the Board or by any of their contractors agents workmen or servants during the construction or consequent maintenance of any such works the Board shall compensate the corporation in respect of any loss sustained by them and indemnify the corporation against all damages claims or expenses which may be occasioned to them by reason or in consequence of such interruption :
- (9) The expenses of all repairs or renewals of the apparatus of the corporation or any works in connection therewith which may be rendered necessary by reason of any subsidence resulting from the said works or at any time within twelve months after completion thereof shall be borne by the Board :
- (10) The corporation may at any time enlarge improve and reconstruct any apparatus or lay new or additional apparatus under or over any work authorised by this Act in the same manner as they might have enlarged improved and reconstructed any such apparatus or laid such new or additional apparatus if this Act had not been passed but the same shall be carried out to the reasonable satisfaction and under the superintendence (if given) of the Board and shall be so constructed and maintained as not to interfere with or injure in any way any work of the Board and in the event of any interference with or injury to any works of the Board the provisions of subsections (9) and (10) of this section shall *mutatis mutandis* apply in favour of the Board :

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- (11) Where the Board under section 35 (Temporary stoppage of streets) of the Act of 1912 stop up temporarily any street or road or part of a street or road in which any apparatus of the corporation is situate the officers and servants of the corporation shall have free access to and along such street or road or part of a street or road for the purpose of enabling them to inspect repair or renew any such apparatus and the Board shall provide all reasonable facilities for that purpose :
- (12) If any difference shall arise between the corporation and the Board under this section the same shall be referred to and settled by an arbitrator to be agreed upon between the corporation and the Board or failing agreement to be 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 Act 1889 and the Arbitration Act 1934 shall apply to any such arbitration.

For pro-  
tection of  
West  
Riding  
County  
Council.

**17.** The following provisions shall have effect for the protection of the county council of the administrative county of the west riding of Yorkshire (hereinafter called "the county council") unless otherwise agreed in writing (that is to say) :—

The provisions of subsections (4) to (10) and (12) of section 12 (For protection of rural district council of Bowland) of the Act of 1912 shall be read and have effect as if the expressions "the county council of the west riding of Yorkshire" "the clerk of the said county council" and "the surveyor of the said county council" were respectively substituted therein for the expressions "the council" "the clerk" and "the surveyor" and the said provisions as so modified shall extend and apply to and with reference to the aqueduct (Work No. 1) by this Act authorised.

For further  
protection  
of West  
Riding

**18.** For protection of the county council of the administrative county of the west riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in

writing between the county council and the Board have effect (that is to say):—

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County  
Council.

(1) In the laying or execution of any authorised work across any river stream watercourse or drain in the said west riding above the water level thereof the Board shall not diminish the width between the banks of such river stream watercourse or drain and shall lay or execute such work at such height as to allow the free passage of flood waters thereunder. Where any authorised work is proposed to be laid or executed in along or across any such river stream watercourse or drain otherwise than as aforesaid such work shall be laid or executed at such depth below the bed thereof as not to cause obstruction to the flow of water therein and as to allow of the proper cleansing or scouring of the river stream watercourse or drain and of the deepening of the bed thereof to a reasonable extent to allow of any necessary improvements:

(2) Before commencing to lay or execute any authorised work in along across or under or within five yards of any part of any such river stream watercourse or drain as aforesaid the Board shall submit to the county council for their reasonable approval a plan and section showing the proposed position thereof and the proposed mode of laying or executing the same in along across under or within five yards of such river stream watercourse or drain and the county council shall be entitled to approve or disapprove such plan and section or make reasonable requirements with respect thereto including requirements as to the execution of any such authorised work so as to permit of the future widening of any such river stream watercourse or drain which the county council may deem reasonably necessary or expedient. Provided that if the county council do not within twenty-one days after the receipt of any such plan and section express their approval or disapproval thereof or make any such requirements as aforesaid they shall be deemed to

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have approved such plan and section and that if within the said period the county council shall have expressed their disapproval of such plan and section or made any requirements with respect thereto with which the Board are unwilling to comply a difference shall be deemed to have arisen between them and the Board which shall be determined by arbitration as hereinafter provided :

- (3) Not less than twenty-one days before commencing to lay or execute any authorised work in along across or under any agricultural land in the said west riding the Board shall give to the county council notice in writing of their intention to lay or execute such work and shall in such notice describe the nature of the work proposed to be laid or executed and specify the lands in along across or under which the same will be laid or executed and the date of the commencement of such work :
- (4) Any difference which shall arise under subsections (1) and (2) of this section between the Board and the county council shall be referred to and determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either of the parties in difference (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration :
- (5) In and for the purposes of this section the expression "authorised work" means any aqueduct or line of pipes or any work subsidiary or incidental thereto authorised by the Act of 1912 the Act of 1925 or this Act to be laid or executed by the Board and the expression "drain" shall not be deemed to include an underground pipe laid for the purpose of agricultural drainage.

For pro-  
tection of  
Lancashire

**19.** For the protection of the county council of the county palatine of Lancaster (in this section referred to as "the county council") the following

provisions shall unless otherwise agreed in writing between the county council and the Board have effect with respect to the execution of any works under or the exercise in or affecting any highway or bridge of the powers of the sections of this Act of which the marginal notes are "Power to make waterworks" and "Supply of water by Board to areas outside limits of supply" (that is to say):—

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—  
County  
Council.

(1) In this section—

"bridge" and "highway" respectively mean a bridge or a highway (other than a bridge) vested in or repairable by the county council and "bridge" includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

"apparatus" means any aqueduct conduit line or lines of pipes main or work;

"along" includes in on under across at the side of attached to and affecting; and

"surveyor" means the surveyor to the county council:

(2) (a) Before the Board commence to place repair renew alter or remove any apparatus along any highway or bridge they shall (except in case of emergency when notice shall be given as soon as possible) give to the county council notice of their intention so to do not less than in the case of a bridge fourteen clear days and in all other cases seven clear days before so commencing;

(b) The Board shall not (except in case of emergency) place renew or alter any apparatus along any highway or bridge otherwise than according to such plan and at such depth as may reasonably be approved by the county council or (failing such approval) determined by arbitration:

(3) The Board shall not interfere with the structure of any bridge except with the consent of the county council which consent shall not be unreasonably withheld and may be given on

A.D. 1935.  
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such conditions as the county council may reasonably determine :

- (4) So soon as the apparatus has been placed in a highway or on a bridge broken up by the Board the county council may reinstate and make good such highway or road on a bridge to the condition and strength to which it was immediately before such breaking up and the Board shall pay to the county council the cost reasonably incurred by them in so doing :
- (5) The county council shall not be liable except in the case of their negligence for or in respect of any damage or injury done to any apparatus of the Board in or under the metalled portion of any highway or bridge by reason of such apparatus being laid at a depth below the surface of any highway or bridge insufficient for its protection from damage or injury arising from the reasonable use of such plant and machinery (other than a steam roller exceeding fifteen tons in weight) as is for the time being in general use by the county council for the repair of such highway or bridge :
- (6) Any matter required by this section to be determined by arbitration and any difference which shall arise under this section between the Board and the county council shall be referred to and determined by a single arbitrator to be agreed upon or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such arbitration.

For protection of Lancashire County Council and River Wyre Catchment Board.

**20.** For the protection of the county council of the county palatine of Lancaster (in this section referred to as "the county council") and the River Wyre Catchment Board (in this section referred to as "the catchment board") the following provisions shall (unless otherwise agreed in writing between the county council and the

catchment board on the one hand and the Board on the other hand) have effect (that is to say) :—

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(1) In this section—

“ apparatus ” means and includes any aqueduct conduit line or lines of pipes or works incidental thereto ;

“ watercourse ” means and includes any river stream ditch open drain or sewer (other than a sewer under the control of a local authority within the meaning of the Public Health Act 1875) cut culvert dyke sluice or passage through which water flows :

(2) In the laying or construction of the apparatus authorised by this Act across any watercourse in the said county palatine of Lancaster (in this section referred to as “ the county ”) above the water level thereof the Board shall not diminish the width between the banks of such watercourse and shall lay or construct such apparatus at such height as to allow the free passage of flood waters thereunder Where such apparatus is proposed to be laid or constructed across any such watercourse otherwise than as aforesaid it shall be laid or constructed at such depth below the bed thereof as not to cause obstruction to the flow of water therein and as to allow of the proper cleansing or scouring of the watercourse and of the deepening of the bed thereof to a reasonable extent to allow of any necessary improvements :

(3) Before commencing to construct any such apparatus across or under any watercourse the Board shall submit to the catchment board if the apparatus will be situated within the river Wyre catchment area or to the county council if the apparatus will be situated within the county outside the river Wyre catchment area for their reasonable approval a plan and section showing the proposed mode of constructing the same across or under such watercourse Provided that if the catchment board or the county council as the case may be do not express their approval

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or disapproval within twenty-one days after the receipt of any such plan and section they shall be deemed to have approved thereof and that if within the said period the catchment board or the county council as the case may be shall have expressed their disapproval of such plan and section a difference shall be deemed to have arisen between them and the Board which shall be determined by arbitration as hereinafter provided :

- (4) If by reason of the execution repair or maintenance of any apparatus authorised by this Act or the failure of any such apparatus the channel or banks of any watercourse shall at any time be injured or damaged such injury or damage shall be forthwith made good by the Board to the reasonable satisfaction of the catchment board if it is within the river Wyre catchment area or to the reasonable satisfaction of the county council if it is within the county outside the river Wyre catchment area and if the Board fail so to do after notice in writing to them from the catchment board or the county council as the case may be requiring the Board to make good such injury or damage the catchment board or the county council as the case may be may make good the same and recover the reasonable costs thereof from the Board :
- (5) The Board shall at all reasonable times afford to the engineer of the catchment board and his duly authorised representatives in the river Wyre catchment area and to the engineer of the county council and his duly authorised representatives within the county outside the river Wyre catchment area access to the works authorised by this Act for the purposes of inspection in so far as they affect any watercourse of the catchment board or the county council :
- (6) The construction of any apparatus authorised by this Act so far as it affects any watercourse shall when commenced be completed as expeditiously as reasonably practicable :

- (7) In the exercise of the powers of section 29 (Temporary discharge of water into streams) of the Act of 1912 as applied to the works authorised by this Act the Board shall do as little damage as may be to any watercourse and shall pay compensation to the catchment board or the county council by whom such watercourse is for the time being maintainable for all damage sustained by them in respect of any watercourse by the exercise of such power and the amount of such compensation shall in default of agreement be settled by arbitration as hereinafter provided :
- (8) Any difference which shall arise under this section between the Board on the one hand and the catchment board or the county council on the other hand shall be referred to and determined by the Minister and the Minister of Agriculture and Fisheries acting jointly.

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**21.** For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect with respect to the exercise by the Board of the powers conferred upon the Board by this Act (that is to say) :—

For protection of London Midland and Scottish Railway Company.

- (1) The Board shall not under the powers of this Act acquire any land or property of the railway company but the Board may purchase and take and the railway company shall at the request of the Board sell and grant such easements or rights of using so much of the land or property of the railway company as may be necessary for the construction maintenance and use in accordance with the provisions of this Act of the works by this Act authorised and the Board shall pay to the railway company in respect of any such easements or rights such sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the

A.D. 1935.  
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settlement of cases of disputed compensation under those Acts :

- (2) Before constructing any work under the powers of this Act upon across over under or in any way affecting the railways lands or property belonging to the railway company (hereinafter referred to as "the said works") or carrying out any subsequent repairs maintenance renewals alteration or removal thereof the Board shall submit to the railway company plans sections working drawings and specifications thereof showing the manner in which such works or operations are to be carried out and the mode of execution thereof for the approval of the railway company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the railway company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval :
- (3) In constructing Work No. 4 where the same crosses over the property of the railway company the Board shall not deviate from the line and levels shown upon the deposited plan except with the consent of the railway company which consent shall not be unreasonably withheld :
- (4) The said works shall be constructed and completed and thereafter maintained repaired and renewed by the Board in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Board and under the supervision and to the reasonable satisfaction of the engineer of the railway company :
- (5) The Board shall not without the previous consent in writing of the railway company enter upon or alter or interfere with the railways works and property of the railway company further or otherwise than may be necessary for constructing repairing maintaining renewing using altering or removing the said works or any of them of which they shall give to the railway company twenty-one days' notice in

writing except in cases of emergency in which case such notice as is reasonably practicable shall be given : A.D. 1935.

- (6) The Board shall pay to and reimburse the railway company all reasonable costs charges and expenses which the railway company may incur in connection with the said works or any of them including (without prejudice to the said generality) any expense which the railway company may reasonably incur in connection with the employment of a reasonably sufficient number of inspectors signalmen watchmen and others and for superintendence during construction or renewal of the said works and for all reasonable extra precautions for the safety and working of the railway company's traffic or protection of their property on account of the execution maintenance renewal use alteration repair or removal of the said works or any of them :
- (7) The said works and any subsequent repair maintenance renewal alteration or removal thereof shall be constructed and executed by the Board so as not to injure or alter or interfere with (except so far as may be necessary for constructing the said works) or endanger the structure or stability of any of the railways works and property of the railway company and should any damage or injury to the said railways works and property or interruption impediment or interference to or with the passage or conduct of traffic on the said railways be caused by or be in any way owing to the said works or to the failure of or defect in any of the said works the Board shall at their own cost and free of all expense to the railway company carry out all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be and in default of such carrying out or removal by the Board within such reasonable time as may be specified by the railway company the railway company may for any of such purposes enter upon the works or property of the Board and carry out all such works and do

A.D. 1935.  
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all such things as may be necessary to restore such damage or injury or remove or prevent such interruption impediment or interference and the Board shall on demand repay to the railway company all reasonable costs and expenses incurred by them in connection therewith :

- (8) The Board shall make reasonable compensation to the railway company for all loss or damage caused by the said works or any of them or the subsequent repair maintenance renewal alteration use or removal thereof or any interruption impediment or interference to or with the railways works and property of the railway company and the Board shall also free and relieve and indemnify the railway company from all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the railways works and property of the railway company or any other persons or person by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or defaults of the Board or those for whom they are responsible :
- (9) Should it be necessary in connection with the said works or any of them or the subsequent repair maintenance renewal alteration or removal thereof to alter or remove any telegraph posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the railway company the Board shall pay to the railway company all expenses incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed :
- (10) The said works or anything which may be done in connection therewith shall not prevent the railway company from maintaining and repairing and whenever in their discretion thought necessary and upon land belonging to the

railway company or in exercise of statutory powers for that purpose existing at the passing of this Act reconstructing altering renewing deviating widening or enlarging any of the lines of railway or other works or property belonging to them without interference on the part of the Board and without incurring any liability to them or to any person using any of the said works of the Board for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the railway company may incur in such maintenance or repair or in such renewal deviation widening enlarging alteration or reconstruction as aforesaid by reason of the existence of any of the said works shall be paid by the Board :

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- (11) In the event of the railway company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the said works of the Board and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) twenty-one days' previous notice in writing to the Board before commencing any such operations as may affect any of the said works :
- (12) Any question or difference between the Board and the railway company under this section shall be determined by an arbitrator to be agreed upon by the railway company and the Board or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any arbitration under this subsection.

**22.** Notwithstanding anything contained in section 32 (Supply of water to rural district council of Clitheroe) of the Act of 1925 the supply of water to the Clitheroe Rural District Council referred to in subsection (1) of

For protection of  
Clitheroe  
Rural

A.D. 1935.  
—  
District  
Council.

that section shall be delivered at such point or points on the Hodder aqueduct of the Board or on Work No. 2 authorised by this Act as may be agreed between the Board and the said council or as failing agreement may be determined by arbitration under the said section 32 Provided that the said council shall be entitled to the supply at such pressure as shall be available from the said Hodder aqueduct or the said Work No. 2 according as the said supply is taken from the said Hodder aqueduct or the said work.

Extension  
of time for  
completion  
of work  
under  
Act of 1912.

**23.** The period limited by subsection (3) of section 3 (Extending periods for completion of works) of the Act of 1919 for the completion of Work No. 11 authorised by the Act of 1912 is hereby extended until the thirty-first day of October nineteen hundred and fifty-five.

Saving for  
West  
Riding  
County  
Council as  
drainage  
authority.

**24.** Nothing in this Act or in the Act of 1912 or the Act of 1925 shall alter diminish prejudice or affect the rights powers privileges and authorities of the county council of the administrative county of the west riding of Yorkshire under the West Riding of Yorkshire County Council (Drainage) Act 1923 or under the Land Drainage Act 1930.

Amend-  
ment of  
section 6  
of Act of  
1919.

**25.** Subsection (1) of section 6 (Power to local authorities to contract for supply of water) of the Act of 1919 shall be read and have effect as if the words "ten years" were omitted therefrom and the words "twenty years" were inserted in lieu of the words so omitted.

Extension  
of water  
limits.

**26.—**(1) The limits within which the Board may supply water are hereby extended so as to include the township of Barton in the rural district of Preston in the county palatine of Lancaster.

(2) The Board within the said township shall have and may exercise all and the like powers privileges and authorities for and in relation to the supply of water as altered by this Act and be subject to all and the like duties and obligations as so altered in respect of such supply as the Board have and are subject to within the existing limits.

Supply of  
water by  
Board to  
areas out-  
side limits  
of supply.

**27.—**(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the limits of supply (but in any case not north of a line drawn due east from the southerly boundary of the borough

of Lancaster nor south or east of the river Ribble) desire to obtain a supply of water from the Board may on the application of the Board subject to the provisions of this section by order authorise the Board to supply water to any premises in such area on such conditions as may be specified in the order.

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(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 relating to the Board 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 premises to which such order relates.

(3) An order 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 premises to which a supply is to be given are situate.

(4) (a) An order made under this section shall cease to have effect with respect to any premises when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such premises are situate are able and willing to supply water to such premises and give not less than one month's notice thereof to the Board.

(b) When such local authority or undertakers commence to supply water to any premises supplied under an order in pursuance of this section they shall pay to the Board such portion of the expenditure incurred by the Board 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 premises as may be agreed or failing agreement as may be determined by arbitration.

**28.** If the owner of any house supplied with water by the Board when so required in pursuance of section 29 (Several houses supplied by one pipe) of the Fylde Water Board Act 1899 fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Board may

Amend-  
ment of  
section 29  
of Fylde  
Water  
Board Act  
1899.

A.D. 1935.

— themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner as a civil debt.

As to  
meaning of  
“communi-  
cation  
pipe.”

**29.** The expression “communication pipe” where used in this or in any other Act relating to the Board shall include the stopcock inserted therein and the necessary cover or box for giving access and protection thereto.

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

**30.** The owner of any premises connected with the mains of the Board by a communication pipe laid by him or his predecessor or by the Board at his expense shall for the purpose of complying with his obligation to maintain or repair such communication pipe have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Penalty for  
opening  
valves and  
apparatus.

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

As to  
supply to  
farms.

**32.** The charges for the supply of water to farms in the table of charges set forth in the Second Schedule to the Fylde Waterworks (Transfer) Act 1897 as increased under section 4 (Increase of maximum rates and charges for supply of water) of the Act of 1919 are hereby increased by thirty-three and one-third per centum upon the respective amounts thereof but the charges made by the Board in respect of cattle troughs and cattle bowls shall not exceed the charges authorised by the said schedule as increased under the said section 4 of the Act of 1919 and the charges made by the Board for the supply of water by measure for milk cooling purposes shall not exceed the charges authorised by section 35 (Supply of water for other than domestic purposes and by measure)

of the Fylde Water Board Act 1899 as increased under the said section 4 of the Act of 1919 If the charges per quarter being made by the Board at the date of the passing of this Act for the supply of water by measure shall be reduced such reduced charges shall apply to supplies of water to farms for milk cooling purposes according to the quantity supplied per quarter.

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**33.** Where a person who takes a supply of water from the Board for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending for proper use upon a supply of continuously running water the Board may if they think fit require that all water used for or in connection with any such apparatus shall—

Charges for refrigerating and similar apparatus.

- (a) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter and if the person only takes a supply for domestic purposes the minimum half-yearly charge for the water so taken by meter shall be ten shillings where the capacity of the apparatus does not exceed twelve cubic feet and one pound ten shillings where its capacity exceeds twelve cubic feet but does not exceed forty-eight cubic feet; or
- (b) be paid for at such rates as may be agreed between the person and the Board.

**34.** Notwithstanding anything contained in this or any other Act relating to the Board the Board shall not be required to afford to any premises a supply of water by meter for a less sum (exclusive of meter rent) in any one half-year than the amount of the water rate which would have been payable in respect of such premises for a supply of water otherwise than by meter.

As to water supplied by meter.

**35.** If a justice be satisfied on complaint by any collector of water rates due to the Board or by any other officer of the Board that any person is quitting or about to quit any premises to which the Board supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector or other officer to seize

Recovery of rates from persons removing.

A.D. 1935. — forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Purchase by Board of church and vicarage of Dalehead.

**36.**—(1) Subject to the provisions contained in a scheme bearing date the ninth day of November nineteen hundred and thirty-three approved and affirmed by an Order made by His Majesty in Council under the Union of Benefices Measure 1923 on the twenty-sixth day of February nineteen hundred and thirty-four the Board shall purchase for the sum of two thousand five hundred pounds the parish church of Saint James Dalehead and the lands within the curtilage thereof and the vicarage house and grounds attached thereto all in the parish of Dalehead in the west riding of the county of York and the Ecclesiastical Commissioners and the Lord Bishop of Bradford shall sell and convey the same to the Board on such conditions as have been or may be agreed between those parties.

(2) Upon the acquisition of the said lands and property by them the Board (a) shall pull down and demolish the said church in manner agreed between the Board and the said commissioners and bishop and (b) shall not erect or cause or allow to be erected at any time thereafter any buildings of any description upon the site of the said parish church or use or cause or allow to be used such site for any purpose except the grazing of cattle and sheep.

(3) Such of the provisions of section 12 (For protection of Bishop of Bradford and patron vicar and churchwardens of church of Dalehead and others) of the Act of 1925 as have not been carried out are hereby repealed.

Power to borrow.

**37.**—(1) The provisions of the Act of 1933 relating to the borrowing of money by a local authority shall so far as applicable extend and apply to the Board as if they were a local authority within the meaning of that Act.

(2) The Board shall have power in addition and without prejudice to the powers of borrowing authorised by subsection (1) of this section from time to time to borrow without the consent of the Minister for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and

the Board shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

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1	2	3
Purpose.	Amount.	Period for repayment.
(a) The construction of the aqueducts authorised by this Act.	£456,550	Forty years from the date or dates of borrowing.
(b) The provision of water mains and other waterworks purposes.	£134,000	Thirty-five years from the date or dates of borrowing.
(c) The additional cost of constructing the Stocks reservoir (Work No. 1) authorised by the Act of 1912 enlarged as authorised by the Act of 1925.	£176,600	Sixty years from date or dates of borrowing.
(d) Filter houses and extensions of filtration plants.	£132,100	Forty years from the date or dates of borrowing.
(e) The covering and improving of existing service reservoirs.	£185,700	Fifty years from the date or dates of borrowing.
(f) The extensions of head offices and construction of a depot and other works.	£46,600	Forty years from the date or dates of borrowing.
(g) The purchase and demolition of Dalehead church and vicarage.	£3,000	Sixty years from the date or dates of borrowing.
(h) The costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(3) 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 Part IX of the Act of 1933.

(4) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

**38.** The Minister on the application of the Board may alter amend or revoke any scheme in accordance with which the powers conferred by section 40 (Consolidated loans fund) of the Act of 1925 shall have been put into operation by a further scheme made in

Amendment of scheme for operation of consolidated loans fund.

A.D. 1935. — the like manner subject to the like provisions as the original scheme.

As to securities of Board.

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

Audit.

**40.** The accounts of the Board shall be subject to audit by a district auditor.

Repeal of existing enactments.

**41.** The following enactments are hereby repealed:—

The Fylde Waterworks (Transfer) Act 1897—

Section 51 (Provisions of Public Health Act as to mortgages to apply);

Section 53 (Mode of payment off of money borrowed);

Section 55 (Protection of lender from inquiry);

Section 56 (Board not to regard trusts);

Section 57 (Appointment of receiver);

Section 58 (Power to re-borrow);

Section 62 (Board may issue stock);

Section 66 (Audit).

The Act of 1912—

Section 60 (Power to re-borrow).

The Act of 1925—

Section 38 (Mode of raising money);

Section 43 (Sinking fund);

Section 44 (Return to Minister of Health with respect to repayment of debt);

Section 45 (Investment of and payments into sinking fund);

Section 46 (Interest on mortgages held jointly).

Annuities for widows.

**42.—**(1) Words and expressions to which meanings are assigned by the Local Government and other Officers' Superannuation Act 1922 (in this section referred to as "the Act of 1922") have in and for the purposes of this section the same respective meanings unless there is something in the subject or context repugnant to such construction.

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(2) If within one month before any date on which an officer or servant would if he ceased to hold his office or employment become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 he gives notice in writing to the Board requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death then unless the Board (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him or his legal personal representative within one month after the receipt of the notice that they do not intend to comply with the requirement the following provisions shall have effect :—

(a) The amount of every payment in respect of the superannuation allowance payable to such person (in this section called "the retired officer") shall be reduced by eleven per centum and if his wife is younger than the retired officer shall be further reduced by an amount ascertained as follows :—

(i) Where the case falls within the table set out in the schedule to this Act an amount calculated in accordance with that table; and

(ii) In any other case such an amount as shall be certified by the actuary to be just;

(b) If the wife of the retired officer in respect of whom the said notice was given survives him and does not cease before the date of his death to be his wife she shall be entitled after his death to receive for life out of the superannuation fund an annuity equal to one-third of the annual amount of his superannuation allowance calculated as if it had not been reduced as aforesaid.

(3) In any case in which an annuity becomes payable under this section—

(i) the Board shall not be required to make any payment to the legal personal representative

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of the deceased officer or servant under the provisions of section 12 of the Act of 1922;

- (ii) on the cesser of the annuity by reason of the death of the recipient the Board shall pay to her legal personal representative such sum if any as shall be equal to the amount by which the aggregate amount of the contributions of the officer or servant under the Act of 1922 together with compound interest thereon calculated to the date of his death or the date of his retirement whichever first occurred at the rate of three per centum per annum with half-yearly rests exceeds the aggregate of the amounts which he received by way of superannuation allowance under the Act of 1922, whether as originally enacted or as amended by this Act and she received by way of annuity under this section.

(4) An annuity under this section shall be payable out of the superannuation fund :

Provided that if the superannuation allowance of the retired officer was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the revenues of the Board.

(5) Provided that a notice under this section may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(6) In cases where the superannuation allowance of a retired officer would if he had not given notice under this section exceed the sum of one thousand pounds per annum the provisions of this section shall apply only to that sum and the balance of his superannuation allowance shall be paid to him as if he had not given such notice.

(7) This section shall not apply if the officer or servant and his wife hold a joint appointment under the Board.

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(8) The provisions of section 14 (Allowance not assignable) of the Act of 1922 so far as they are applicable shall apply to every annuity under this section.

(9) The Minister may on application made by the Board by order alter as respects officers or servants giving notice under subsection (2) of this section after the date of the order any of the reductions and diminutions referred to in paragraph (a) of that subsection and in the table set out in the schedule to this Act so far as may be necessary to secure that the benefits provided by this section for officers or servants and their wives shall be actuarially equivalent to the benefits to which such officers or servants would have been entitled if they had not given such notice as aforesaid.

**43.**—(1) The Board may pay any reasonable expenses incurred by members of the Board or of any committee thereof or by the officers or employees of the Board in attending meetings of the Board or of any committee of the Board or in travelling for the purpose of carrying out any inspection or investigation necessary for the discharge of the functions of the Board or such committee.

Payment  
of certain  
expenses.

(2) The Board may pay—

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

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reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and

- (b) the reasonable expenses incurred by the Board in connection with the public opening of works of the Board or works from which the Board may be entitled to a supply of water and in connection with visits by members officers or employees of the Board to the works or premises of other water undertakers or of the Board and in connection with the entertainment of representatives of other authorities visiting the Board's works or premises.

Expenses of execution of Act.

**44.** Any expenses of the execution by the Board of this Act with respect to which no other provision is made shall be paid by the Board out of the revenues of the Board.

Judges not disqualified.

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

Application of section 266 of Act of 1933.

**46.** Section 266 (Contracts of local authorities) of the Act of 1933 shall apply to all contracts of the Board made after the passing of this Act as if the Board were a local authority within the meaning of that section.

As to breach of conditions of consent of Board.

**47.** Where under any Act or Order from time to time relating to the Board the Board 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.

Confirmation of byelaws.

**48.** The provisions of section 250 (Procedure &c. for making byelaws) and section 251 (Fines for offences against byelaws) of the Act of 1933 shall apply to all byelaws made by the Board under the powers of this Act as if the Board were a local authority within the meaning of that Act and the Minister shall be the confirming authority under the said section 250.

**49.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents by or in consequence of this Act and section 290 of the Act of 1933 shall apply accordingly.

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Inquiries by  
Minister.

**50.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or any other of the Acts or Orders relating to the Board or of any byelaw made under this Act or any of such Acts or Orders may be laid and made by any officer of the Board duly authorised in that behalf or by the clerk or by any police officer acting within the limits of supply.

Informa-  
tions by  
whom to be  
laid.

**51.** All penalties recovered on the prosecution of the Board or any officer of the Board on their behalf under this Act or any other of the Acts or Orders relating to the Board or under any byelaw under this Act or any of such Acts or Orders shall be paid to the Board.

Penalties  
to be paid  
over to  
Board.

**52.** 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 Board out of the revenues of the Board or out of money to be borrowed under this Act for that purpose.

Costs of  
Act.

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The SCHEDULE referred to in the  
foregoing Act.

## REDUCTION OF SUPERANNUATION ALLOWANCE.

Difference of age between husband and wife.				Further percentage reduction from husband's pension.	
Less than 1 year	-	-	-	1	per cent.
1 year and less than 2 years	2	years	-	2	„ „
3	3	„	-	3	„ „
4	4	„	-	3 $\frac{3}{4}$	„ „
5	5	„	-	4 $\frac{1}{2}$	„ „
6	6	„	-	5 $\frac{1}{4}$	„ „
7	7	„	-	6	„ „
8	8	„	-	6 $\frac{3}{4}$	„ „
9	9	„	-	7 $\frac{1}{2}$	„ „
10	10	„	-	8 $\frac{1}{4}$	„ „
11	11	„	-	9	„ „

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