

## REPORT

BY THE

Joint Committee of the House of Lords and the  
House of Commons appointed to consider the

WATER UNDERTAKINGS BILL [H.L.]

ORDERED TO REPORT:—

That the Committee have considered the Bill and made amendments thereto, which are exhibited as an Appendix to this Report.

1. The Bill as introduced followed the Bill prepared by the Central Advisory Water Committee, of which Field Marshal Lord Milne is Chairman, and which comprises one Member of Parliament and representatives of all the interests concerned with questions affecting water resources and supplies.

The Bill covers all the general law relating to the supply of water by water companies and local authorities whose undertakings are regulated by local Acts. As in the case of earlier Bills for the consolidation of the local government and public health law, the Bill consolidates the existing general law and introduces a number of amendments designed to secure greater simplicity, uniformity and conciseness. The nature and scope of these amendments are set out and explained in full detail in the Report made by Lord Milne's Committee (1939 Cmd. 5986), and it is, therefore, unnecessary to recapitulate them. The great majority of the amendments of the existing law follow provisions commonly allowed by Parliament in local Water Acts, or are based on provisions of the Public Health Act, 1936.

The Bill is divided into two main parts, namely the body of the Bill consisting of 26 clauses which would apply generally to all statutory water undertakers, and the First Schedule, consisting of 107 clauses which would not come into force until specifically incorporated with local Acts and Orders.

2. The Committee have had before them numerous witnesses including representatives of the Government Departments concerned, the Associations of Local Authorities, the Central Landowners' Association, the Metropolitan Water Board, the British Waterworks Association and Water Companies Association, the Catchment Boards Association, the Federation of British Industries, the National Association of Fishery Boards, the Hotels and Restaurants Association and the Main Line Railway Companies and London Passenger Transport Board, besides those of a number of other organisations and individuals interested in the provisions of the Bill.

3. The Committee consider it desirable to make detailed reference to the following points:—

(a) The Bill as introduced extended to the area of the Metropolitan Water Board. It became apparent during the Committee's proceedings that in view of the special circumstances of the Board, some of the provisions in the Bill would not be appropriate for application to them, and that it would be necessary, if the Board remained within the scope of the Bill, to include numerous special provisions applicable only to them. The Committee decided that the better course would be to exclude the Board's undertaking from the scope of the Bill, leaving the Board to promote legislation to apply suitable provisions of the Bill to their undertaking.

(b) Clause 5 of the Bill as introduced placed a duty on water undertakers to supply water for non-domestic purposes on reasonable terms and conditions, if the supply for domestic purposes would not thereby be prejudiced.

It was submitted by some of the representatives of water undertakers that this new duty ought not to be placed on water undertakers, at any rate until a measure had been enacted controlling the abstraction of water from underground, as recommended in the First Report of Lord Milne's Committee.

The Committee came to the conclusion, after hearing much evidence on the subject, that the clause would be inappropriate for inclusion in the present Bill. On the other hand, they consider that a provision of the kind would be very valuable, and indeed might be a necessity, to agriculture and industrial undertakings, and that the question should be dealt with in connection with legislation to implement the recommendations of that Report.

The Committee were informed by the Ministry of Health that it is the intention to consider the whole question of water supply, with a view to introducing such legislation, when a further report on the subject has been made by Lord Milne's Committee. The Committee are strongly of opinion that a comprehensive reform and reorganisation of the law relating to water supplies for all purposes in this country should be undertaken at the earliest possible date.

(c) Certain proposals were made to the Committee for amending Part VI of the First Schedule of the Bill by the inclusion of a clause giving effect to the recommendations made by Lord Carnock's Committee on the Breaking up of Streets by Statutory Undertakers (H.L. 44, 120, H.C. 134).

The Committee were informed that the Ministry of Transport and the Associations of Local Authorities have not yet had the

opportunity of considering the recommendations of this Report. The Ministry of Transport can give no indication when general legislation on the subject is likely to be introduced, but they hope that it will be possible to devise provisions, probably in the nature of standard clauses, for incorporation in future private Bills and Orders.

The Committee have come to the conclusion that until the recommendations of Lord Carnocks' Committee, which relate not only to water supply, but also to gas and electricity, have been considered by the interests concerned, it would be inappropriate to give effect to them in the present Bill. They consider, however, that it is urgently necessary that the reform of the law governing the breaking up of streets by statutory undertakers should not be delayed, and they recommend that the matter should be taken in hand at an early date.

(d) The Committee were asked by the Urban District Councils' Association and Rural District Councils' Association to provide for the coming into operation of Parts X and XI of the First Schedule of the Bill within a few months of the passing of the Bill. In support of this request, the Associations referred to the Water Supply Bill of this Session, now awaiting Third Reading in the House of Commons, which would transfer the liability for the maintenance of communication pipes from consumers to water undertakers as from 1st April, 1940, subject, however, to a condition that any undertakers may apply to the Minister of Health for an Order postponing the operation of the Bill within their area. The request was opposed by the Association of Municipal Corporations and the Corporation of Bradford, who considered that the proposed amendments would involve alteration of existing general practice, and might lead to considerable financial alterations, and that the machinery for application of the provisions set out in the present Bill should therefore apply.

The Committee decided that, as the Water Supply Bill had not yet become law, it would be inappropriate to include so considerable a departure from existing general practice in the present Bill.

4. The Committee are satisfied that if the Bill as amended is passed, it will prove a useful piece of legislation. It repeals, except for the undertaking of the Metropolitan Water Board, about 150 provisions in nine Acts dating from 1845, and standardises 65 clauses which are commonly included in local Water Acts and Orders, and replaces them by a single Measure of 133 clauses. In the Committee's opinion, the Bill will facilitate the supply of water to the public, and will be of great assistance, both to those who administer the law relating to public water supply, and to the many other interests concerned.

20th June, 1939.

## WATER UNDERTAKINGS BILL [H.L.].

## APPENDIX.

(The References are to the Bill No. 102.)

## Clause 1.

- Page 1, line 17, leave out (" companies or ").  
 Page 2, line 1, leave out (" company or ").  
 line 2, leave out (" company or ").  
 line 4, leave out (" company or ").  
 Page 2, line 10, leave out (" body of persons whether incorporated or not ") and insert (" persons ").  
 line 21, after (" water rights ") insert (" or vary the quantity of compensation water required by any enactment to be discharged into any watercourse ").  
 line 24, leave out (" the proprietors of ").  
 line 25, leave out (" undertakings ") and insert (" persons ").  
 line 40, after (" publish ") insert (" once at least in each of two successive weeks ").  
 Page 3, line 8, leave out (" twenty-eight ") and insert (" forty-two ").  
 line 8, after (" days ") insert (" exclusive of any day in the month of August ").  
 line 8, after the second (" of ") insert (" the first ").  
 line 13, leave out (" so ") and insert (" first ").  
 line 20, leave out (" and ").  
 line 20, at end insert (" (ii) on the catchment board of any catchment area within which they carry on, or propose to carry on, their water undertaking; and ").  
 line 22, leave out (" the catchment board of any catchment area and ").  
 line 28, leave out (" or any ").  
 line 29, at end insert (" or dock; ").  
 After line 29 insert (" and, in the case of a copy to be served on the council of a county, shall attach thereto a copy of the draft order ").  
 line 32, after (" section ") insert (" naming the counties, county boroughs, and county districts within which the applicants carry on, or propose to carry on, their water undertaking, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected ").  
 Page 3, line 39, leave out (" five ") and insert (" two ").  
 Page 4, line 5, leave out from (" modification ") to end of subsection and insert (" and considers that persons other than the applicants may be adversely affected thereby, he shall require the applicants to give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be so affected of the modification proposed. ").  
 line 9, leave out (" twenty-eight ") and insert (" forty-two ").  
 line 11, leave out (" twenty-five ") and insert (" thirty-nine ").  
 line 15, leave out (" or board ") and insert (" board or authority ").

## Clause 2.

- Page 5, line 25, after the first (" the ") insert (" statutory water ").  
 Page 6, line 2, after (" shall ") insert (" notwithstanding anything in the section of this Act relating to repeals to be effected thereby ").  
 line 19, at end insert (" once at least in each of two successive weeks ").

line 23, after (" days ") insert (" exclusive of any day in the month of August ").

line 23, at end insert (" first ").

line 25, after (" to ") insert (" the council of any county ").

line 31, after (" section ") insert (" with persons specified in the notice ").

line 39, at end add—

(" 5. If the Minister is satisfied that by reason of an exceptional shortage of rain, or by reason of an accident or other unforeseen circumstances, a serious deficiency of supplies of water exists or is threatened in any locality, the provisions of subsection (4) of this section shall not apply to any agreement for a supply of water in bulk which undertakers supplying water in that locality have entered into with the approval of the Minister and for such period as he may determine.

In approving an agreement for the purposes of this subsection the Minister, if he considers that the interests of public health so require, may direct that Parts V and VI of the First Schedule to this Act shall, in relation to any works to be carried out for the purposes of that agreement, have effect subject to such modifications as he may think necessary for the avoidance of delay.")

*Clause 3.*

Page 7, line 34, after (" charges ") insert (" and of removing any pipes, plant or apparatus which the undertakers or authority giving the notice do not require them to leave in position ").

*Clause 4.*

Page 8, line 21, after (" authority ") insert (" of the district in which the area is situate ").

line 32, at end add—

(" (4) If the undertakers, after tender to them of an undertaking which satisfies the foregoing provisions of this section, do not before the expiration of three months lay the necessary mains and bring water to the area in question, they shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which their default continues after conviction therefor.")

*Clause 5.*

Leave out the clause.

*Clause 6.*

Page 10, line 4, leave out (" and together with ").

line 6, leave out from (" that ") to (" if ") in line 7.

line 10, at end insert (" they shall not cut off the supply of water until the dispute has, on their application, been settled by a court of summary jurisdiction.")

Page 11, line 5, at end add—

(" (6) In this section the expression ' water rate ' includes any additional charge payable to the undertakers in respect of a supply of water for domestic purposes within the meaning of that expression as used in the enactments relating to the undertakers.")

*Clause 7.*

Page 11, line 11, leave out (" county borough or county ").

*Clause 8.*

Page 11, line 17, after the second (" a ") insert (" county council or ").

line 18, after (" whose ") insert (" county or ").

line 19, leave out (" where such undertakers are a local authority ").

line 20, leave out (" them ") and insert (" any such undertakers ").

line 27, leave out (" pay dividends at a rate not less than the average rate ") and insert (" provide a reasonable return ").

line 38, leave out lines 38 to 42.

Page 12, line 2, after (" publish ") insert (" once at least in each of two successive weeks ").

line 3, leave out (" their limits of supply ") and insert (" the limits of supply of the undertakers ").

line 5, omit (" twenty-eight days after ") and insert (" forty-two days, exclusive of any day in the month of August, after the first ").

line 6, after (" notice ") insert (" and shall transmit a copy of the notice to the council of every county, county borough and county district within which the undertakers are supplying water ").

line 8, after (" section ") insert (" naming the counties, county boroughs and county districts within which the undertakers are supplying water ").

line 12, leave out (" twenty-eight ") and insert (" forty-two ").

line 13, leave out (" twenty-five ") and insert (" thirty-nine ").

line 20, leave out (" such local authority ") and insert (" council ").

line 21, leave out (" as aforesaid ") and insert (" entitled to make an application under subsection (1) of this section ").

*Clause 9.*

Page 12, line 34, leave out (" paddle ").

line 39, after (" waterworks ") insert (" any vehicle or ").

Page 13, line 3, after the third (" or ") insert (" filthy ").

line 4, leave out (" cess-pit ") and insert (" cess-pool ").

line 12, after (" in ") insert (" such ").

line 13, at end insert (" that contamination of water therein is reasonably probable ").

line 16, leave out (" such ") and insert (" statutory water ").

line 16, at end insert—

(" Provided that nothing in this subsection shall be construed as prohibiting or restricting—

(i) the reasonable use on any land of manures or fertilisers; or

(ii) the reasonable use of oil or tar on a highway maintainable at the public expense, so long as surface water from that highway does not flow directly into, or into any drain communicating with, any such spring, stream or reservoir as aforesaid and so long as the highway authority take all reasonable steps for preventing the oil or tar, or any liquid resulting from the use thereof, from fouling water belonging to the undertakers.")

*Clause 10.*

Page 13, line 30, at end insert—

(" Provided that where the execution of any such works would result in the discharge of water, otherwise than through public sewers, into any watercourse within a catchment area, the undertakers shall before entering into the agreement consult with the catchment board concerned.")

line 30, at end insert—

(" (2) An agreement under this section with an owner of land shall, if it is so expressed therein, be binding upon, and enforceable against, his successors in title to that land.")

*Clause 11.*

Page 14, line 13, after ("undertakers") insert ("after consultation with the catchment board concerned").

line 13, leave out from ("may") to end of line 14.

line 16, after ("intercepting") insert ("or disposing of").

line 17, leave out ("those lands") and insert ("any such lands as are referred to in the preceding subsection").

line 20, at end insert (" , which may be given subject to such conditions as the authority think fit,").

line 23, leave out from ("supply") to end of subsection and insert ("and such statutory provisions with respect to the breaking open of streets as are applicable to the undertakers shall, with any necessary modifications, apply accordingly.").

line 33, after ("withheld") insert ("nor shall any unreasonable condition be attached to such a consent").

line 34, after ("withheld") insert ("or whether any condition which an authority seek to impose is unreasonable").

*Clause 12.*

Page 15, line 5, leave out ("catchment area") and insert ("gathering ground").

line 9, after ("prohibit") insert ("or regulate").

line 15, after ("sewers") insert ("cesspools").

line 24, leave out ("may if he thinks fit") and insert ("if he thinks fit may refer the appeal to be determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers, or may himself").

line 27, after ("owners") insert ("and occupiers").

leave out ("lands") and insert ("premises").

line 37, after ("required") insert ("otherwise than upon payment of compensation").

Page 16, line 5, at end insert—

("(4) Nothing in this section shall be construed as empowering the undertakers to make any byelaw restricting the statutory rights of a navigation authority").

line 18, at end insert ("Before confirming any byelaws under this section the Minister shall take into consideration any representations which may have been received by him").

line 25, leave out ("and") and insert ("the").

line 25, at end insert ("and the catchment board of any catchment area").

line 39, after ("the") insert ("proposed").

line 41, leave out ("(e)").

Page 17, line 1, leave out ("(e)") and insert ("(d)").

Page 17, line 4, at end insert—

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

line 4, at end insert—

("(6) The powers conferred by this section on statutory water undertakers shall, notwithstanding anything in the section of this Act relating to repeals to be effected thereby, be deemed to be in addition to and not in substitution for any powers exercisable by them under any other enactment.")

*Clause 13.*

Page 17, line 8, after ("cleaning") insert ("emptying").

line 11, leave out ("river stream or").

line 18, after ("emergency") insert ("and except in so far as may be otherwise agreed in writing between the undertakers and the board or authority concerned").

line 21, leave out ("the water") and insert ("any such water as aforesaid for purposes other than the emptying or cleaning of a pipe not exceeding twelve inches in diameter").

line 23, leave out ("and the fishery board exercising functions in respect of any river") and insert ("of any catchment area and fishery board of any fishery district within which any watercourse").

line 25, leave out from ("discharged") to end of line 27.

line 25, after ("discharged") insert ("is situate").

line 30, leave out ("and mode") and insert ("mode and rate").

line 33, leave out from the beginning of the line to ("shall") in line 38 and insert—

("(c) where the water is to be discharged into any river, canal or other inland navigation in respect of which a navigation authority exercises functions, the undertakers.")

Page 18, line 1, at end insert—

("(i) whenever the undertakers propose to discharge water on a number of occasions during a period, the giving by them of a general notice to that effect, accompanied by such particulars as it is reasonably practicable for them to give, shall constitute sufficient compliance by them with the provisions of paragraph (a) of this sub-section.")

line 2, leave out ("this paragraph") and insert ("paragraph (c) of this subsection").

line 6, leave out ("and").

line 7, leave out ("this paragraph") and insert ("the said paragraph (c)").

line 13, at end insert ("and

(iv) any approval for which application is made under the said paragraph (c) shall be deemed to have been given unless notice of disapproval is given to the undertakers within seven days after the making of the application.

(3) If the undertakers are requested by—

(a) the owner or occupier of any land which abuts on a watercourse at a point within three miles of any work of the undertakers from which water may be discharged under the provisions of this section; or

(b) the clerk to any association of mill owners any of whose constituent members is such an owner or occupier as aforesaid,

to register him for the purposes of this section, the undertakers shall enter his name and address in a register kept by them for the purpose, and, so long as his name and address appear in the register, shall, except in a case of emergency and except in so far as may be otherwise agreed with him in writing, and unless the point at which the water is to be discharged as aforesaid is situate down stream of any land in respect of which he is so registered, send to him in respect of that watercourse the like notices as they are (in the absence of any emergency or agreement to the contrary) required under the last preceding subsection to send to such a board as is mentioned in paragraph (a) thereof.

(4) Where the undertakers discharge water during an emergency, they shall forthwith give to the boards, authorities and registered persons concerned notice thereof in writing and such further particulars relating to the discharge as may reasonably be required.

line 27, leave out (" or navigation authority ") and insert (" the London Passenger Transport Board or a navigation authority, or so as to flood or damage any highway ").

line 31, after (" them ") insert (" or liability to which they may become subject ").

line 32, at end insert (" and, for the purposes of this subsection, any extra expenditure which it becomes reasonably necessary for any public authority to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them. ").

#### Clause 15.

Page 19, line 14, after (" undertakers ") insert (" being companies ").

Page 21, line 1, after (" section ") insert (" solely ").

line 2, at end insert—

(" Provided that the undertakers shall not without the approval of the Minister issue any such preference stock, if the amount required to pay the full dividend thereon will exceed the amount required to pay the full dividend on the stock in substitution for which the new stock is issued, but no holder of the stock shall be concerned to enquire whether any approval required by this subsection has been given. ").

#### Clause 16.

Page 21, line 15, at end insert (" or, in the case of an offence relating to a watercourse within a fishery district, the fishery board for that district ").

After Clause 17 insert the following new clauses—

(" 18. Nothing in the foregoing provisions of this Act shall authorise the development of any land, or the erection of any buildings or the execution of any works, in contravention of any requirements or restrictions imposed by or under any enactment as to the erection, placing or making of buildings, erections or excavations, or the construction, formation or laying out of means of access to or from any road, or as to the submission of plans and specifications or the giving of notices to any authority, or in contravention of any provision contained in a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts. ").

(" 19. If, in consequence of an order made under paragraph (d) or paragraph (e) of subsection (1) of section one of this Act, any officer or servant of a local authority is transferred to the employment of another person or his appointment is determined or his emoluments are diminished, the provisions of subsections (2) to (4) and (6) of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, shall apply in relation to him—

(a) as if the order were an order made by the Minister under Part VI of the said Act of 1933; and

(b) as if the order provided that any officer or servant of a local authority who by virtue or in consequence of the order might suffer any direct pecuniary loss by reason of his transfer to the employment of another person or the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision was made by or under any enactment for the time being in force, should be entitled to receive compensation from the local authority. ")

#### Clause 18.

Page 21, line 33, at end insert—

(" Provided that it does not include a railway company or navigation authority having statutory power to sell surplus water ").

Saving for  
planning  
schemes, &c.

Protection of  
officers and  
servants of  
local  
authority.

line 35, leave out (" including a metropolitan borough ").

line 36, leave out (" and the common council of the city of London ").

Page 22, line 4, leave out (" or ").

line 12, after (" board ") insert (" and ' watercourse ' ").

#### Clause 19.

Page 22, line 33, leave out from (" with ") to the first (" for ") in line 36, and insert—

(i) any Act or part of an Act passed after the end of the next session of Parliament commencing after the passing of this Act; and  
(ii) any provisional or other statutory order made after the commencement of this Act. ")

Page 23, line 26, after (" proposal ") insert (" and is not withdrawn ").

line 27, at end insert (" and any order made by him shall be provisional only and shall not have effect until it is confirmed by Parliament ").

#### Clause 22.

Page 24, line 14, leave out (" so much of ").

leave out (" as ") and insert (" which ").

line 22, at end insert (" but to the extent only to which it is so inconsistent ").

After Clause 22, insert the following new clause—

(" 23.—(1) Nothing in this Act shall apply to, or have effect in relation to, the Metropolitan Water Board or their undertaking as constituted for the time being.

(2) Without prejudice to the generality of the provisions of the preceding subsection it is hereby declared that the Waterworks Clauses Act, 1847, and the Waterworks Clauses Act, 1863, shall remain unrepealed for the purpose of enabling the provisions of those Acts or any of those provisions to be incorporated with or without modification in any Bill promoted by the said Board in the present or any future ' session of Parliament '. ")

Act not to  
apply in  
relation to  
Metropolitan  
Water  
Board.

### FIRST SCHEDULE.

#### Clause 1.

Page 26, line 8, leave out from (" in ") to end of line 9 and insert (" a statutory order ").

line 9, at end insert (" ' statutory order ' means an order confirmed by, or made under, an Act of Parliament ");

line 12, leave out lines 12 to 14.

line 30, leave out (" street or length of a street ") and insert (" part of the street ").

Page 27, line 23, at end insert—

(" provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises; ")

line 24, leave out (" and ' owner ' ") and insert (" ' owner ' and ' sewerage authority ' ").

line 25, at end insert (" ' telegraphic line ' has the same meaning as in the Telegraph Act, 1878 ").

line 34, at end insert—

(" ' railway company ' means any persons authorised by an enactment to construct, work or carry on a railway, and includes the London Passenger Transport Board; ")

line 39, at end add—  
 (“ ‘land drainage authority’ means a drainage authority within the meaning of the Land Drainage Act, 1930, and ‘watercourse’ has the same meaning as it has in that Act;”).

Page 28, line 1, leave out (“ (including a metropolitan borough)”).  
 line 3, leave out (“ and the common council of the city of London”).  
 line 5, leave out (“ or city”) in both places where those words occur.

line 30, at end add—  
 (“ Provided that sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall be excluded from any incorporation effected by this subsection.”).

*Clause 4.*

Page 29, line 16, leave out (“ taking”) and insert (“ abstracting”).  
 line 17, after (“ water”) insert (“ (other than works for intercepting foul water)”).

*Clause 5.*

Page 29, line 28, after (“ aqueducts”) insert (“ tunnels”).  
 line 29, leave out (“ for supplying”) and insert (“ for, or in connection with, the supply of”).

*Clause 6.*

Page 29, line 38, leave out (“ street”) and insert (“ highway”).  
 line 45, leave out (“ street”) and insert (“ highway”).  
 line 46, after (“ not”) insert (“ lay or erect any such wires, posts, conductors or other apparatus”).  
 line 47, after (“ the”) insert (“ local authority and”).

Page 30, line 1, leave out (“ that authority”) and insert (“ either of those authorities”).  
 line 1, leave out from (“ consent”) to end of line 2.  
 line 3, leave out (“ in a street maintainable at the public expense”).

line 8, at end insert—

(“ (2) The undertakers shall at any time at their own expense remove any wires, posts, conductors or other apparatus laid or erected by them under the provisions of this section if they are required so to do by the local authority or a highway authority for the purpose of enabling any widening or other improvement to be carried out to a street or highway.”).

line 17, leave out (“ as defined by the Telegraph Act, 1878”).

line 19, at end add—

(“ (3) Where the undertakers propose, in the exercise of their powers under this section, to lay or erect any wires, posts, conductors or other apparatus which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority they shall give notice of their proposals to that authority and if within twenty-eight days that authority serve on the undertakers notice of objection to their proposals the undertakers shall not proceed with their proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals either with or without modification:

Provided that this subsection shall not apply in relation to any wires, posts, conductors or other apparatus which the undertakers propose to lay or erect in or on a bridge carrying a highway across such a watercourse as aforesaid.”).

*Clause 8.*

Page 30, line 28, after (“ acquire”) insert (“ compulsorily”).

*Clause 13.*

Page 32, line 16, leave out from (“ conditions”) to end of line 20, and insert (“ payable in respect of or affecting the lands, other than any restrictions imposed by sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act, 1845”).

*Clause 14.*

Page 32, line 37, after (“ stream”) insert (“ from, or from streams feeding, the reservoir”).

line 38, leave out (“ regular”) and insert (“ uniform”).

line 43, after (“ order”) insert (“ any such gauge as aforesaid”).

Page 33, line 1, leave out (“ as aforesaid”).

line 1, leave out (“ by that gauge”) and insert (“ thereby”).

line 2, at end insert (“ or to take copies of any such records”).

line 27, at end insert (“ and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream”).

line 33, at end add—

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

*Clause 16.*

Page 34, line 2, after (“ pipes”) insert (“ (other than service pipes)”).  
 line 4, after (“ pipes”) insert (“ (other than service pipes)”).

*Clause 23.*

Page 36, line 28, leave out (“ under or over”) and insert (“ or under”).

line 31, after (“ street”) insert (“ and with the consent of the local authority of the district in which that land is situate and also of the highway authority concerned if the main will be laid within two hundred and twenty feet of any highway”).

line 42, leave out (“ (within the meaning of that expression as used in the Land Drainage Act, 1930)”).

Page 37, line 17, after (“ maintain”) insert (“ in any street”).

line 21, at end add—

(“ (5) For the purposes of this section, a private street within the curtilage of a factory shall be deemed not to be, or form part of, a street.”).

*Clause 24.*

Page 37, line 37, at end insert (“ and on the highway authority for any highway in which they propose to lay a main”).

line 38, after (“ days”) insert (“ exclusive of any day in the month of August”).

line 40, leave out (“ the local authority of a borough or district in which they propose to lay a main”) and insert (“ any such local authority or highway authority as aforesaid”).

*Clause 25.*

Page 38, line 11, at end insert (" other than sections twenty-seven and twenty-eight thereof ").

line 13, leave out (" and such plant and other works ") and insert (" with such stopcocks and other fittings ").

line 16, leave out (" plant or works ").

*Clause 27.*

Page 38, line 42, leave out (" seven ") and insert (" fourteen ").

*Clause 28.*

Page 39, line 15, leave out (" determined by a court of summary jurisdiction ") and insert (" referred to an arbitrator to be appointed, in default of agreement, by the Minister, who may, if he thinks fit, refer the difference to an arbitrator to be appointed by the President of the Institution of Civil Engineers, ").

line 17, leave out (" the court ") and insert (" the arbitrator ").

line 18, leave out (" the court ") and insert (" he ").

*Clause 29.*

Page 39, line 34, leave out (" dock undertakers ") and insert (" navigation authority ").

line 42, leave out (" dock undertakers ") and insert (" navigation authority ").

line 43, leave out (" dock undertakers ") and insert (" navigation authority ").

line 44, leave out (" dock undertakers ") and insert (" navigation authority ").

Page 40, line 2, leave out (" dock undertakers ") and insert (" navigation authority ").

line 4, leave out (" dock undertakers ") and insert (" navigation authority ").

line 7, leave out (" dock undertakers ") and insert (" navigation authority ").

line 9, at end insert—

(" (3) The last preceding subsection shall, with any necessary adaptation, apply in relation to a level crossing which belongs to persons not being a railway company or navigation authority, as it applies in relation to a level crossing belonging to such a company or authority. ").

line 16, at end insert—

(" (5) Nothing contained in this section for the protection of owners of level crossings shall affect the decision of any question which may arise as to the legality of the construction of, or the right to continue, any level crossing. ").

line 17, leave out subsection (4).

*Clause 30.*

Page 40, line 29, line 32, line 36, leave out (" footway ") and insert (" footpath ").

line 37, leave out (" cause it ") and insert (" make adequate arrangements for the control of traffic and shall cause the roadway or footpath ").

*After Clause 31.*

Page 41, line 8, at end insert the following new clause—

(" 32. In the application of sections twenty-seven, twenty-eight, thirty and thirty-one of this Part of this Schedule, to a street not maintainable at the public expense, the expression ' persons having the control or management ' shall be deemed to include the authority by whom the street would be maintainable if it became a highway maintainable at the public expense and, accordingly, any notice required by section twenty-seven of this Schedule and a copy of the plans referred to in section twenty-eight thereof shall be served on that authority. ").

"Application of Part VI to highways not maintainable at the public expense.

*Clause 32.*

Page 41, line 14, leave out (" rates specified in the special Act ") and insert (" prescribed rates ").

line 15, leave out (" one-eighth ") and insert (" one-tenth ").

line 16, after (" of ") insert (" providing and ").

*Clause 33.*

Page 41, line 35, at end insert—

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

page 42, line 4, after (" repairs ") insert (" or alterations ").

*Clause 34.*

Page 42, line 12, leave out subsection (2).

*Clause 39.*

Page 43, line 5, leave out (" fire ") and insert (" fires ").

*Clause 40.*

Page 43, line 12, after (" authority ") insert (" highway authority or sewerage authority ").

*Clause 41.*

Page 43, line 16, leave out (" sections thirty-five to thirty-nine of ").

line 17, leave out (" or ").

line 19, leave out from (" repairs ") to (" they ") in line 21, and insert (" or alterations ").

*Clause 42.*

Page 43, line 27, leave out the second (" in ") and insert (" on ").

line 29, leave out (" constantly laid on ") and insert (" laid on constantly and ").

line 35, after (" gravitation ") insert (" through their existing mains ").

line 43, after (" repairs ") insert (" or alterations ").

*Clause 43.*

Page 44, line 24, after (" byelaws ") insert (" or regulations ").

line 26, after (" byelaws ") insert (" or regulations ").

line 31, at end add—

(" In this section the expression ' regulations ' means regulations made under an Act other than this Act and continued in force by part XIII of this Schedule ").

*Clause 44.*

Page 44, line 38, leave out (" branch ").

Page 45, line 10, leave out (" branch ").

*Clause 45.*

Page 45, line 28, transpose Clause 45 to follow Clause 46.

*Clause 46.*

Page 46, line 25, after (" rates ") insert (" and the supply pipe of those houses is sufficient to meet the requirements thereof ").

*Clause 47.*

Page 46, line 43, leave out (" alteration ").

*Clause 48.*

Page 47, line 24, after (" shall ") insert (" after consultation with the highway authority concerned ").

*Clause 49.*

Page 47, line 37, leave out (" such purposes ") and insert (" business, trade or manufacturing purposes ").

line 38, leave out from (" thereof ") to end of line 40 and insert (" as may be prescribed or, if no proportion is prescribed, as may be determined by the Minister ").

Page 48, line 2, leave out the first (" is ").

*Clause 52.*

Page 49, line 26, after (" purposes ") insert (" only ").

line 31, after the second (" in ") insert (" subsection (2) of ").

line 33, leave out (" quarterly charge of one-fourth of ") and insert (" charge equal to ").

*Clause 53.*

Page 49, line 42, after (" water ") insert (" not being an apparatus used solely for heating the water ").

Page 50, line 5, leave out from (" charge ") to (" or ") in line 6.

line 13, leave out from (" thereby ") to (" is ") in line 14.

*Clause 55.*

Page 51, line 1, leave out subsection (2).

*Clause 57.*

Page 51, line 30, after (" rate ") insert (" or instalment of the rate ").

*Clause 58.*

Page 51, line 34, leave out (" annually ").

line 44, at end insert—

(" (2) A water rate made under this section, or in force under any enactments relating to the undertakers immediately before the coming into operation of this section, shall, unless and until a new rate is made, continue to operate in respect of each successive period of twelve months. ").

Page 52, line 8, leave out (" with respect to water rates on small tenements ").

line 24, leave out (" a small tenement ") and insert (" any premises ").

*Clause 59.*

Page 53, line 2, leave out from (" retrospectively ") to end of subsection and insert (" as from the date when the proposal was made and, notwithstanding anything in the last preceding section with respect to the equality of instalments of a water rate, any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments or rates. ").

*Clause 63.*

Page 54, line 23, leave out (" apply only ") and insert (" not apply ").

line 24, leave out (" for domestic purposes ") and insert (" by meter ").

line 39, at end insert (" or reverberation in pipes ").

*Clause 64.*

Page 56, line 14, leave out from (" and ") to (" below ") in line 15 and insert (" to which water is required to be delivered at a height greater than thirty-five feet ").

*Clause 67.*

Page 57, line 40, after (" undertakers ") insert (" otherwise than by meter ").

*Clause 69.*

Page 58, line 37, leave out (" twenty-four ") and insert (" forty-eight ").

*Clause 70.*

Page 58, line 43, after first (" person ") insert (" for use in other premises ").

line 45, after (" supplied ") insert (" for use in other premises ").

Page 59, line 6, leave out (" or uses ") and insert (" uses or diverts ").

*Clause 73.*

Page 60, line 7, leave out (" written ").

line 9, leave out from (" undertakers ") to (" shall ") in line 10 and insert (" or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe. ").

line 12, leave out (" pipe which has been so ").

line 18, leave out (" railway ") and insert (" undertaking ").

*Clause 74.*

Page 60, line 28, after (" consumer ") insert (" who has not obtained the consent of the undertakers ").

*Clause 75.*

Page 60, line 46, leave out from the second (" and ") to end of line 1 on page 61, and insert (" may insert in any street, but as near as is reasonably practicable to the boundary thereof ").

Page 61, line 3, leave out (" stop up ") and insert (" obstruct ").

line 12, leave out (" 15 ") and insert (" fifteen ").

line 15, leave out (" mains ") and insert (" pipes ").

*Clause 76.*

Page 61, line 28, after (" any ") insert (" spring ").

*Clause 79.*

Page 63, line 1, leave out (" seven ") and insert (" six ").

line 3, leave out (" seven ") and insert (" six ").



*Clause 80.*

Page 63, line 27, after (" next ") insert (" but one ").

line 36, leave out subsection (4) and insert—

(" (4) Whenever, and so long as, the aggregate amount standing to the credit of the reserve fund and contingency fund together amounts to (or, by reason of such a transfer as aforesaid, exceeds) a sum equal to ten per cent. of the capital expenditure theretofore incurred by the undertakers for the purposes of their undertaking, no contribution from the profits of the undertaking shall be made to either of the funds, and the interest and dividends on the funds shall not be invested but shall be treated as income of the undertaking.").

Page 64, line 5, leave out (" and one-half ").

*Clause 82.*

Page 64, line 31, at end insert—

(" (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this section authorised to be granted; ").

line 40, at end add—

(" (2) No employee of the undertakers shall be required to become a contributor to any superannuation fund established under this section until the fund has been registered under the Superannuation and other Trust Funds (Validation) Act, 1927.").

*Clause 83.*

Page 64, line 41, leave out (" the ") and insert (" statutory water ").

line 43, after (" waterworks ") insert (" or, if they are supplying water at the passing of this Act, in each year after the passing thereof ").

Page 65, line 5, after (" country ") insert (" and county district ").

line 9, after (" liable ") insert (" on summary conviction.").

line 10, transfer this clause (as amended) to the body of the Bill, after clause 15.

At the beginning of Part XVI, General and miscellaneous, insert the following new clauses—

(" 84.—(1) Undertakers may supply water for purposes other than domestic on such terms and conditions as may be agreed with the consumer, but, except in so far as may be otherwise expressly agreed, shall not be subject to any liability in respect of a failure to maintain such a supply, if the failure is due to frost, drought, unavoidable accident or other unavoidable cause, or the execution of necessary repairs or alterations.

(2) Charges for water supplied under this section, whether by meter or otherwise, shall be recoverable in the manner in which water rates are recoverable.").

(" 85. A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours notice to the undertakers.").

(" 86. The undertakers before commencing to execute repairs or other work which will cause any material interference with the supply of water shall, except in a case of emergency, give to all consumers likely to be affected such notice as is reasonably practicable and shall complete the work with all reasonable despatch.").

Power to supply water for non domestic purposes.

Notice of discontinuance.

Duty of undertakers to give notice of certain works.

(" 87.—(1) If the undertakers are of opinion that by reason of an exceptional shortage of rain a serious deficiency of water available for distribution by them exists, or is threatened, they may prohibit as from such date as they deem necessary the use, except for the purpose of extinguishing fires, of any water supplied by them and drawn through a hosepipe or similar apparatus.

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

(3) Any person who, after the date stated in the said notice, contravenes the said prohibition, shall be liable to a penalty not exceeding five pounds.

(4) Where a prohibition is imposed under this section charges made by the undertakers for the use of a hosepipe or similar apparatus shall be subject to a reasonable reduction to be settled in case of dispute by a court of summary jurisdiction and in the case of a charge paid in advance any necessary repayment or adjustment shall be made by the undertakers.").

*Clause 90.*

Page 67, line 37, after (" that ") insert (" except in a case of emergency,").

*Clause 102.*

Page 71, line 24, leave out from (" nature ") to end of line 27, and insert (" the conditions, including conditions of a financial character with respect to the payment of compensation, future liabilities and otherwise, subject to which—

(a) the navigation authority or railway company shall, if they so elect, carry out the works on behalf of the undertakers; or

(b) in default of such election, the undertakers may themselves carry out the works.").

## SECOND SCHEDULE.

Page 72, line 21, at end insert (" and subsection (6) of the said section one hundred and sixteen shall cease to have effect.").

## THIRD SCHEDULE.

Page 74, line 4, at end insert—

" 8 & 9 Vict. c. 16.	The Companies Clauses Consolida- tion Act, 1845.	Section one hundred and twenty-two, in relation to water companies."
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Power to prohibit temporarily use of hosepipes in case of drought.

## LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS AT EACH SITTING OF THE  
COMMITTEE.

DIE MARTIS, 27° JUNII, 1939.

Present:

Earl of Onslow.	Mr. Edwards.
Viscount Bridport.	Sir Francis Fremantle.
Lord Darcy (de Knayth).	Mr. James Griffiths.
Lord Teynham.	Mr. Levy.
Lord Derwent.	Mr. Medlicott.
Lord Faringdon.	Major Mills.
Lord Kenilworth.	Mr. Rathbone.

The Orders of Reference are read.  
It is moved that the Earl of Onslow do take the Chair.  
The same is *agreed* to.  
It is moved that the Committee be an open one.  
The same is *agreed* to.  
The Water Undertakings Bill [H.L.] is considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office), Mr. I. F. ARMER, M.C. (Ministry of Health), Mr. C. B. MARSHALL (Parliamentary Agent) (Central Landowners' Association), Mr. G. N. C. SWIFT (County Councils Association), Mr. C. E. C. BROWNE (Parliamentary Agent) (Metropolitan Water Board), Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils Association), Mr. CHARLES L. DES FORGES (Town Clerk of Rotherham), Mr. J. K. SWALES, M.Inst.C.E. (General Manager and Engineer of the Sheffield Corporation Waterworks), and Mr. ARTHUR COLLINS (Financial Adviser to Local Authorities) (Association of Municipal Corporations), Mr. J. F. HASELDINE (British Waterworks Association and Water Companies Association), Sir GEOFFREY COX, C.B.E. (Parliamentary Agent) (Catchment Boards Association), Captain C. W. ELLEN (Federation of British Industries), and Mr. T. G. SEAGER BERRY (Parliamentary Agent) (Sunderland and South Shields Water Company), are called in and examined.

(Vide Minutes of Evidence.)

Sir FREDERICK LIDDELL, K.C.B., K.C. (Counsel to Mr. Speaker), attends the Committee.

The course of proceedings is considered.  
It is decided to go through the Bill clause by clause and to consider the amendments proposed by the Ministry of Health and by the various associations and bodies which have submitted amendments to the Committee.

The Title and Preamble of the Bill are read and postponed.

Clauses 1, 2, 3 and 4 are read.

Further consideration of the Clauses is postponed (*vide* Proceedings 12th July).

Clause 5 is read.

The Lord in the Chair is heard to invite the representatives of the Ministry of Health and the Metropolitan Water Board to consider the exemption of the Metropolitan Water Board from the operation of the Bill.

Further consideration of the Clause is postponed (*vide* Proceedings 4th July).

Clause 6 is read.

Further consideration of the Clause is postponed (*vide* Proceedings 12th July).

Clause 7 is read and *agreed* to with an amendment (*vide* Appendix).

Clauses 8, 9 and 10 are read.

Further consideration of the Clauses is postponed (*vide* Proceedings 12th July).

The Committee sanction the issue to Government Departments concerned and parties interested of copies of the Minutes of Evidence taken from day to day.

*Ordered*, That the Committee be adjourned to Tuesday next, at Eleven o'clock.

DIE MARTIS, 4° JULII, 1939.

Present:

Earl of Onslow.	Mr. Edwards.
Viscount Bridport.	Mr. James Griffiths.
Lord Teynham.	Mr. Levy.
Lord Derwent.	Mr. Medlicott.
Lord Faringdon.	Major Mills.
Lord Kenilworth.	Mr. Rathbone.

The Earl of Onslow in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday last are read.

The Water Undertakings Bill [H.L.] is again considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office), Mr. I. F. ARMER (Ministry of Health), Mr. C. B. MARSHALL (Parliamentary Agent) (Central Landowners' Association), Mr. G. N. C. SWIFT and Mr. H. H. KEEN (W. B. Keen and Company) (County Councils' Association), Mr. C. E. C. BROWNE (Parliamentary Agent) (Metropolitan Water Board and Bradford Corporation), Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils' Association), Mr. CHARLES L. DES FORGES (Town Clerk of Rotherham), Mr. J. K. SWALES, M.Inst.C.E. (General Manager and Engineer of the Sheffield Corporation Waterworks), and Mr. ARTHUR COLLINS (Financial Adviser to Local Authorities) (Association of Municipal Corporations), Sir GEOFFREY COX (Parliamentary Agent) (Catchment Boards Association), Captain C. W. ELLEN (Federation of British Industries), Mr. T. G. SEAGER BERRY (Parliamentary Agent) (Sheffield Corporation and Sunderland and South Shields Water Company), Mr. G. D. HELLIWELL (Parliamentary Agent) and Mr. J. G. DREW (Town Clerk) (Brighton Corporation), Mr. A. R. BOUCHER (Solicitor) (British Waterworks Company), Mr. L. J. H. HORNER (Parliamentary Agent) (Canal Association), Mr. A. B. WINSER (Parliamentary Agent) (Colne Valley Water Company and Rickmansworth Water Company), Mr. A. B. WINSER (Parliamentary Agent) and Lieut.-Commander WALKER (National Association of Fishery Boards), are called in and examined.

(Vide Minutes of Evidence.)

Sir FREDERICK LIDDELL, K.C.B., K.C. (Counsel to Mr. Speaker) attends the Committee.

Clause 5 is again read.

The Lord in the Chair is heard to announce that the Committee have decided to strike the Clause out of the Bill.

Clause 5 is accordingly disagreed to.

New Clause (Act not to apply in relation to Metropolitan Water Board) to be inserted after Clause 22 is read (*vide* Appendix).

The Lord in the Chair is heard to announce that the Committee have decided that the Metropolitan Water Board ought to be taken out of the application of the Bill.

Further consideration of the Clause is postponed (*vide* Proceedings for this day).

Mr. Seager Berry on behalf of the Sheffield Corporation and of the Sunderland and South Shields Water Company is heard to request the Committee to exclude from the Bill provisions which are wider than consolidation provisions.

The Lord in the Chair is heard to reply that the Committee are unable to give the undertaking asked for but will consider each Clause on its merits.

Clauses 11, 12, and 13 are read.

Further consideration of the Clauses is postponed (*vide* Proceedings 5th and 12th July).

Clause 14 is read and *agreed to* without amendment.

Clause 15 is read.

Further consideration of the Clauses is postponed (*vide* Proceedings 12th July).

Clause 16 is read and *agreed to* with an amendment (*vide* Appendix).

Clause 17 is read and *agreed to* without amendment.

New Clause (Saving for planning schemes, etc.) is read and *agreed to* (*vide* Appendix).

New Clause (Protection of officers and servants of local authority) is read and *agreed to* (*vide* Appendix).

Clause 18 is read and *agreed to* with amendments (*vide* Appendix).

Clause 19 is read.

Mr. C. E. C. Browne on behalf of the Corporation of Bradford and Mr. Seager Berry on behalf of the Sunderland and South Shields Water Company are heard to address the Committee against the Clause.

Mr. C. L. des Forges on behalf of the Association of Municipal Corporations is heard in support of Mr. Browne's contention.

Mr. Swallow on behalf of the Urban District Councils' Association is heard to address the Committee.

Mr. Winsor on behalf of the Colne Valley Water Company and the Rickmansworth and Uxbridge Valley Water Company is heard to oppose the Clause.

Captain Ellen on behalf of the Federation of British Industries is heard in support of the Clause.

The Committee deliberate.

The Lord in the Chair is heard to announce the decision of the Committee to allow the Clause.

Clause 19 is *agreed to* with amendments (*vide* Appendix).

Clause 20 is read and *agreed to* without amendment.

Clauses 21 and 22 are read.

Mr. C. L. des Forges on behalf of the Association of Municipal Corporations is heard to address the Committee against the Clauses.

The Committee deliberate.

It is moved that Major Mills do take the Chair in the temporary absence of the Earl of Onslow.

The same is *agreed to*.

The Lord in the Chair is heard to announce the decision of the Committee to allow the Clauses.

Clauses 21 and 22 are *agreed to*.

New Clause (Act not to apply in relation to Metropolitan Water Board) is again considered and *agreed to* with an amendment (*vide* Appendix).

Clause 23 is read and *agreed to* without amendment.

A New Clause to prevent interference with riparian rights is read and *disagreed to*.

The First Schedule is read.

Clauses 1 to 6 inclusive of the First Schedule are read and *agreed to* with amendments (*vide* Appendix).

Clause 7 is read and *agreed to* without amendment.

Clause 8 is read and *agreed to* with an amendment (*vide* Appendix).

Clauses 9 to 12 inclusive are read and *agreed to* without amendment.

Clauses 13 and 14 are read and *agreed to* with amendments (*vide* Appendix).

Clause 15 is read and *agreed to* without amendment.

Clause 16 is read and *agreed to* with an amendment (*vide* Appendix).

Clauses 17 to 22 inclusive are read and *agreed to* without amendment.

Clause 23 is read.

Further consideration of this Clause of the First Schedule is postponed (*vide* Proceedings 5th July).

*Ordered*, That the Committee be adjourned till To-morrow, at Eleven o'clock.

DIE MERCURII, 5° JULII, 1939.

Present:

Earl of Onslow.	Lord Kenilworth.
Viscount Bridport.	Mr. Edwards.
Lord Darcy (de Knayth).	Mr. James Griffiths.
Lord Teynham.	Mr. Levy.
Lord Derwent.	Mr. Medlicott.
Lord Faringdon.	Major Mills.

The Earl of Onslow in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The Water Undertakings Bill [H.L.] is again considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office), Mr. I. F. ARMER, M.C. (Ministry of Health), Mr. C. B. MARSHALL (Parliamentary Agent) (Central Landowners' Association), Mr. G. N. C. SWIFT (County Councils' Association), Mr. C. E. C. BROWNE (Parliamentary Agent) (Metropolitan Water Board and Bradford Corporation), Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils' Association), Mr. HUGH WENTWORTH PRITCHARD (Parliamentary Agent), Mr. CHARLES L. DES FORGES (Town Clerk of Rotherham) and Mr. J. K. SWALES, M.Inst.C.E. (General Manager and Engineer of the Sheffield Corporation Waterworks) (Association of Municipal Corporations), Captain C. W. ELLEN (Federation of British Industries), Mr. T. G. SEAGER BERRY (Parliamentary Agent) (Sheffield Corporation and Sunderland and South Shields Water Company), Mr. A. B. WINSOR (Parliamentary Agent) (Colne Valley Water Company and Rickmansworth Water Company), Mr. T. E. PRYCE-TANNATT (Ministry of Agriculture and Fisheries), Mr. J. F. HASELDINE and Mr. A. W. WHITE (British Waterworks

Association and Water Companies Association), Mr. JOHN J. McINTYRE (Solicitor and Parliamentary Agent) (Rural District Councils' Association), Mr. R. H. TOLERTON, C.B.E., D.S.O., M.C. (Principal Assistant Secretary, Ministry of Transport), Mr. G. MANSFIELD, Mr. C. C. POWELL (Parliamentary Agent) (Hotels and Restaurants Association, the Theatrical Managers' Association, and the Society of West End Managers), and Mr. C. H. WHITELEGGE (Parliamentary Agent) (Main Line Railway Companies and London Passenger Transport Board) are called in and examined.

(Vide Minutes of Evidence.)

Sir FREDERICK LIDDELL, K.C.B., K.C. (Counsel to Mr. Speaker) attends the Committee.

Clause 13 of the Bill is again considered.

Further consideration of the Clause is postponed (*vide* Proceedings 12th July).

The First Schedule is again considered.

Clause 23 of the First Schedule is again considered and *agreed* to with amendments (*vide* Appendix).

Clauses 24 and 25 are read and *agreed* to with amendments (*vide* Appendix).

Clause 26 is read.

Mr. Whitelegge on behalf of the main line Railway Companies, including the London Passenger Transport Board, is heard to apply for the redrafting of Part VI of the First Schedule of the Bill (Breaking open streets, etc.): to give effect to the recommendations of the Joint Committee on Breaking up of Streets by Statutory Undertakers. His application is opposed by Mr. Swallow on behalf of the Urban District Councils' Association, Mr. Swift on behalf of the County Councils' Association and Mr. des Forges on behalf of the Association of Municipal Corporations.

The Lord in the Chair is heard to announce the decision of the Committee to refuse the application.

Clause 26 is *agreed* to without amendment.

Clauses 27 to 31 inclusive are read and *agreed* to with amendments (*vide* Appendix).

New Clause (Application of Part VI to highways not maintainable at the public expense) is read and *agreed* to (*vide* Appendix).

Clauses 32 to 34 inclusive are read and *agreed* to with amendments (*vide* Appendix).

Clauses 35 to 38 inclusive are read and *agreed* to without amendment.

Clauses 39 to 41 inclusive are read and *agreed* to with amendments (*vide* Appendix).

Clause 13 of the Bill is again considered and is *agreed* to with amendments (*vide* Appendix).

The consideration of the First Schedule is continued.

Clause 42 of the First Schedule is read and *agreed* to with amendments (*vide* Appendix).

Clauses 43 to 48 inclusive are read.

Mr. Browne on behalf of the Bradford Corporation is heard to apply for Clauses 43, 44, 47 and 48 to be struck out of the Schedule.

After hearing Mr. Armer on behalf of the Minister of Health, Mr. Swallow on behalf of the Urban District Councils' Association and Mr. Pritchard on behalf of the Association of Municipal Corporations, the Committee deliberate.

The Lord in the Chair is heard to announce the decision of the Committee to refuse Mr. Browne's application.

Clauses 43 and 44 are *agreed* to with amendments (*vide* Appendix).

Clause 45 is *agreed* to, without amendment.

Clauses 46 to 48 inclusive are *agreed* to with amendments (*vide* Appendix).

Clause 49 is read and *agreed* to with amendments (*vide* Appendix).

Clauses 50 and 51 are read and *agreed* to without amendment.

Clause 52 is read.

*Ordered*, That the Committee be adjourned to Tuesday next at Eleven o'clock.

DIE MARTIS, 11<sup>o</sup> JULII, 1939.

Present:

Earl of Onslow.  
Viscount Bridport.  
Lord Teynham.  
Lord Derwent.  
Lord Faringdon.  
Lord Kenilworth.

Mr. Edwards.  
Sir Francis Fremantle.  
Mr. Levy.  
Mr. Medlicott.  
Major Mills.

The Earl of Onslow in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday last are read.

The Water Undertakings Bill [H.L.] is again considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office); Mr. I. F. ARMER, M.C. (Ministry of Health); Mr. C. B. MARSHALL (Parliamentary Agent) (Central Landowners' Association); Mr. G. N. C. SWIFT and Mr. HARRIS (W. B. Keen and Company) (County Councils' Association); Mr. C. E. C. BROWNE (Parliamentary Agent) (Metropolitan Water Board and Bradford Corporation); Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils' Association); Mr. HUGH WENTWORTH PRITCHARD (Parliamentary Agent), Mr. J. K. SWALES, M.Inst.C.E. (General Manager and Engineer of the Sheffield Corporation Waterworks), and Mr. ARTHUR COLLINS (Financial Adviser to local authorities) (Association of Municipal Corporations); Captain C. W. ELLEN (Federation of British Industries); Mr. J. F. HASELDINE and Mr. A. W. WHITE (British Waterworks Association and Water Companies Association); Mr. R. H. TOLERTON, C.B.E., D.S.O., M.C. (Principal Assistant Secretary, Ministry of Transport); Mr. G. MANSFIELD; Mr. C. C. POWELL (Parliamentary Agent) (The Society of West End Managers), Mr. C. C. POWELL (Parliamentary Agent) and Mr. PERCIVAL M. SELBY (The Theatrical Managers' Association); Mr. C. C. POWELL (Parliamentary Agent) and Mr. H. S. TOWNEND (Hotels and Restaurants' Association of Great Britain); Mr. ROY SNELL (Residential Hotels Association of Great Britain); Mr. LESLIE KNOPP (Cinematograph Exhibitors' Association, and Entertainments Protection Association); Mr. PATRICK HOWLING (National Chamber of Trade); Mr. LEONARD R. N. PERCEY (Licensed Victuallers Defence League); Mr. HARRY KENNARD and Mr. G. F. FRY (The Association of Water Softener Manufacturers Limited); Mr. R. G. DOYLE (The National Association of Water Users Limited); Mr. T. T. BLYTH (Parliamentary Agent) (The Central Committee on Camping Legislation) are called in and examined (*vide* Minutes of Evidence).

Sir FREDERICK LIDDELL, K.C.B., K.C. (Counsel to Mr. Speaker), attends the Committee.

The First Schedule of the Bill is again considered.

Further consideration of Clause 52 of the First Schedule is postponed (*vide* Proceedings 12th July).

Clause 53 is read.

Further consideration of Clause 53 is postponed (*vide* Proceedings for this day).

Clause 54 is read and *agreed to* without amendment.

Clause 55 is read and *agreed to* with an amendment (*vide* Appendix).

Clause 56 is read and *agreed to* without amendment.

Clauses 57 to 59 inclusive are read and *agreed to* with amendments (*vide* Appendix).

Clauses 60 to 62 inclusive are read and *agreed to* without amendment.

Clause 63 is read and *agreed to* with amendments (*vide* Appendix).

Clause 64 is read.

Further consideration of the Clause is postponed (*vide* Proceedings 12th July).

Clauses 65 and 66 are read and *agreed to* without amendment.

Clause 67 is read.

Further consideration of the Clause is postponed (*vide* Proceedings 12th July).

Clause 68 is read and *agreed to* without amendment.

Clause 69 is read and *agreed to* with an amendment (*vide* Proceedings 12th July).

Clause 70 is read.

Further consideration of the Clause is postponed (*vide* Proceedings 12th July).

Clauses 71 and 72 are read and *agreed to* without amendment.

Clauses 73 to 76 inclusive are read and *agreed to* with amendments (*vide* Appendix).

Clauses 77 and 78 are read and *agreed to* without amendment.

Clauses 79 and 80 are read.

Further consideration of the Clauses is postponed (*vide* Proceedings of this day and 12th July).

Mr. R. H. Tolerton, Principal Assistant Secretary, Ministry of Transport, is heard to make a statement to the Committee in relation to the Ministry's intentions with reference to the Report of the Joint Committee on Breaking up of Streets by Statutory Undertakers.

It is moved that Sir Francis Fremantle do take the Chair in the temporary absence of the Earl of Onslow.

The same is *agreed to*.

Clauses 53 and 79 are again considered, and *agreed to* with amendments (*vide* Appendix).

*Ordered*, That the Committee be adjourned till To-morrow at Eleven o'clock.

DIE MERCURII, 12° JULII, 1939.

Present:

Earl of Onslow.	Mr. James Griffiths.
Viscount Bridport.	Mr. Levy.
Lord Teynham.	Mr. Medicott.
Lord Faringdon.	Major Mills.
Sir Francis Fremantle.	

The Earl of Onslow in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The Water Undertakings Bill [H.L.] is again considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office), Mr. I. F. ARMER, M.C. (Ministry of Health), Mr. C. B. MARSHALL (Parliamentary Agent) (Central Landowners' Association), Mr. G. N. C. SWIFT (County Councils' Association), Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils' Association), Mr. HUGH WENTWORTH PRITCHARD (Parliamentary Agent) (Association of Municipal Corporations), Captain C. W. ELLEN (Federation of British Industries), Mr. T. G. SEAGER BERRY (Parliamentary Agent) (Sheffield Corporation and Sunderland and South Shields Water Company), Mr. J. F. HASELDINE and Mr. A. W. WHITE (British Waterworks Association and Water Companies Association), Sir GEOFFREY COX, C.B.E. (Parliamentary Agent) (Catchment Boards Association), Mr. J. H. HORNER (Parliamentary Agent) (Canal Association), and Mr. C. H. WHITELEGGE (Parliamentary Agent) (Main Line Railway Companies and London Passenger Transport Board) are called in and examined (*vide* Minutes of Evidence).

Sir FREDERICK LIDDELL, K.C.B., K.C. (Counsel to Mr. Speaker) attends the Committee.

The Lord in the Chair is heard to state that the Committee are of the opinion that the consideration by the Ministry of Transport of the Report of the Joint Committee on Breaking up of Streets by Statutory Undertakers is urgently necessary.

The First Schedule of the Bill is again considered.

Clause 80 of the First Schedule is again considered.

After hearing arguments the Committee deliberate.

The Lord in the Chair is heard to announce the decision of the Committee to reduce from 15 to 10 per cent. of the capital expenditure the aggregate amount of the reserve and contingency funds, and from 1½ to 1 per cent. of the capital expenditure the aggregate amount which may be carried to those funds in any year.

Clause 80 is *agreed to* with amendments (*vide* Appendix).

Clause 81 is read and *agreed to* without amendment.

Clauses 82 and 83 are read and *agreed to* with amendments (*vide* Appendix).

Three new Clauses (Notice of discontinuance), (Duty of undertakers to give notice of certain works) and (Power to prohibit use of hosepipes in case of drought) are read and *agreed to* without amendment (*vide* Appendix).

Clauses 84 to 89 inclusive are read and *agreed* to without amendment.  
 Clause 90 is read.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clauses 91 to 101 inclusive are read and *agreed* to without amendment.  
 Clause 102 is read and *agreed* to with an amendment (*vide* Appendix).  
 Clause 103 is read and *agreed* to without amendment.  
 The First Schedule as amended is *agreed* to.  
 The Second Schedule is read and *agreed* to with amendments (*vide* Appendix).  
 The Third Schedule is read and *agreed* to with an amendment (*vide* Appendix).  
 Clause 10 of the Bill is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clause 9 is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clause 13 is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clause 1 is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Mr. Berry on behalf of the Sheffield Corporation and the Sunderland and South Shields Water Company is heard to express their regret that the Committee should have thought fit to impose on water undertakers the new and restrictive conditions imposed by subsection (2) of Clause 4.  
 Clause 22 is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clause 45 of the First Schedule is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clause 1 of the Bill is again considered.  
 Further consideration of the Clause is postponed (*vide* Proceedings for this day).  
 Clauses 52 and 64 of the First Schedule are again considered.  
 Further consideration of the Clauses is postponed (*vide* Proceedings for this day).  
 Clause 70 of the First Schedule is again considered and *agreed* to.  
 Clauses 1 to 16 inclusive of the Bill are again considered and *agreed* to with amendments (*vide* Appendix).  
 Clause 17 of the Bill is again considered and *agreed* to without amendment.  
 New Clauses (Saving for planning schemes, etc.) and (Protection of officers and servants of local authority) are again considered and *agreed* to (*vide* Appendix).

Clauses 18 to 22 inclusive of the Bill are again considered and *agreed* to with amendments (*vide* Appendix).

New Clause (Act not to apply in relation to Metropolitan Water Board) is again considered and *agreed* to (*vide* Appendix).

The First Schedule of the Bill is again considered.

The Clauses are severally again considered and *agreed* to with amendments (*vide* Appendix) with the exception of Clause 52 which is postponed (*vide* Proceedings 20th July).

The Second and Third Schedules of the Bill are again considered and *agreed* to with amendments (*vide* Appendix).

*Ordered*, That the Committee be adjourned to Thursday the 20th of July at Eleven o'clock.

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 DIE JOVIS 20° JULII 1939.

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 Present:

Earl of Onslow.	Mr. Edwards.
Viscount Bridport.	Sir Francis Fremantle.
Lord Teynham.	Mr. James Griffiths.
Lord Faringdon.	Mr. Levy.
Lord Kenilworth.	Major Mills.

The Earl of Onslow in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday the 12th of July last are read.

The Water Undertakings Bill [H.L.] is again considered.

Mr. G. R. HILL, C.B. (Parliamentary Counsel Office); Mr. I. F. ARMER, M.C. (Ministry of Health); Mr. R. K. D. RENTON (Parliamentary Agent) (Metropolitan Water Board); Mr. H. E. SWALLOW (Parliamentary Agent) (Urban District Councils' Association); Mr. R. F. PARKER (Parliamentary Agent), Mr. J. K. SWALES, M.Inst.C.E. (General Manager and Engineer of the Sheffield Corporation Waterworks) and Mr. ARTHUR COLLINS (Financial Adviser to Local Authorities) (Association of Municipal Corporations); Captain C. W. ELLEN (Federation of British Industries); Mr. J. F. HASELDINE and Mr. A. W. WHITE (British Waterworks Association and Water Companies Association); Mr. G. MANSFIELD; Mr. C. C. POWELL (Parliamentary Agent) (The Society of West End Theatre Managers and the Theatrical Managers' Association); Mr. C. C. POWELL (Parliamentary Agent) and Mr. H. S. TOWNSEND (Hotels and Restaurants' Association of Great Britain); Mr. ROY SNELL (Residential Hotels' Association of Great Britain); Mr. PATRICK HOWLING (National Chamber of Trade); Mr. E. C. V. SYMONDS; Sir GEOFFREY COX, C.B.E. (Parliamentary Agent) (Catchment Boards Association); Mr. MALCOLM BORG (Solicitor) (Margate and District Hotel and Boarding House Association); Mr. G. REILLY (Youth House) are called in and examined (*vide* Minutes of Evidence).