# CHAPTER lxvii.

An Act to extend the period for the compulsory purchase of Lands by the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee; and for other purposes. [14th June 1875.]

A.D. 1875.

WHEREAS by virtue of the "Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Act, 1870," (hereinafter called "the Act of 1870,") the mayor, aldermen, and burgesses of the boroughs of Ashton-under-Lyne and Stalybridge respectively, (in this Act called "the corporations,") and the local board of health for the district of the township of Dukinfield have appointed a Joint Committee for the purposes of carrying that Act into effect; and the 22nd section of the said Act provides that the powers of the Joint Committee for the compulsory purchase of land for the purposes of the said Act may be exercised at any time within five years from the passing thereof, and the said period expires on the 14th day of July 1875; and it is expedient that the time within which the said powers may be exercised should be extended:

33 & 34 Vict. cxxxi.

Section 22.

And whereas under powers reserved to them in the said Act the local boards for the districts of Mossley and Hurst have combined in the system of water supply authorised by the said Act, and have appointed members of the Joint Committee, and are respectively liable to contribute portions of the capital for the purposes of the said Act, but none other of the local boards to whom like powers were reserved have availed themselves thereof:

Sections 78-86.

And whereas the corporations and local boards are required when called on by the Joint Committee (section 49) to contribute, for the purposes of the said Act, money by way of capital in the proportions in the said Act specified, and are authorised to borrow the amounts of such contributions and to charge such amounts upon the security of their respective revenues to be derived under the said Act, and also as regards the corporations, on the security of

Sections 48, 81.

Sections 52 and 82.

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their respective borough funds and borough rates, and, as regards the said local boards, on the security of their respective district fund accounts and general district rates:

Section 56.

And whereas the 56th section of the said Act provides that as soon as, by means of any work authorised thereby, any water by the said Act authorised to be taken is available for the supply of the inhabitants within any part of the limits of that Act, certain undertakings therein defined as the separate waterworks undertakings of the three corporate bodies (by which expression is meant the two corporations and the Dukinfield local board) and the joint waterworks undertaking of the corporations of Ashton and Stalybridge, with all real and personal property, powers, rights, and interests of the three corporate bodies respectively held by or vested in them for the purposes of those undertakings, should be, by virtue of the said Act, transferred to and vested in the Joint Committee, to be carried on, held, used, exercised, and enjoyed by them for the purposes of the said Act; and the said three corporate bodies are willing, and it is expedient that the said transfer to the Joint Committee shall not depend upon the contingency mentioned in the said section, but shall be made at the time herein-after specified:

And whereas absolute majorities of the whole number of the councils of the boroughs of Ashton-under-Lyne and Stalybridge respectively, and of the whole number of the Dukinfield, Mossley, and Hurst local boards respectively, have resolved that the expenses in relation to promoting the Bill for this Act should be charged, in the case of the said councils, on the borough funds and borough rates, and, in the case of the said local boards, upon the general district rates in the proportions in which capital required for the purposes of the Act of 1870 is to be contributed by the said boroughs and local boards:

And whereas such resolutions were passed at meetings held after ten clear days' notice by public advertisement of such meetings, and of the purposes thereof, such notices being in addition to the ordinary notices required for summoning such meetings:

And whereas the said notices were advertised on behalf of the borough of Ashton-under-Lyne and of the Mossley and Hurst local boards in the "Ashton Reporter," a local newspaper published or circulating in the said borough and in the districts of the said local board; and on behalf of the borough of Stalybridge and of the Dukinfield local board in the "Stalybridge Reporter," a local newspaper published or circulating in the said borough and in the district of the said local board:

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And whereas such resolutions were respectively published twice in the said newspapers respectively, and have respectively received the approval of the Local Government Board, and, as regards the resolutions affecting the said boroughs, of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by absolute majorities of the whole number of the said councils and local boards respectively at further special meetings held in pursuance of similar notices not less than fourteen days after the deposit of the Bill in Parliament, the said further special meetings being held as follows: for the borough of Ashton-under-Lyne on the thirteenth day of January 1875, for the borough of Stalybridge on the twentieth day of January 1875, for the Dukinfield local board on the fourteenth day of January 1875, for the Mossley local board on the fourteenth day of January 1875, and for the Hurst local board on the twenty-first day of January 1875:

And whereas the owners and ratepayers of the said boroughs and districts respectively, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

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

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

Short title.

**1.** This Act may be cited as "The Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Act, 1875."

Act of 1870 and this Act to be read together.

**2.** This Act and the Act of 1870 as amended by this Act shall be read and have effect together as one Act, and may be cited together as "The Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Acts, 1870 and 1875."

Extension of time for compulsory purchase of lands.

**3.** Notwithstanding anything contained in the 22nd section of the Act of 1870, the powers of the Joint Committee for the compulsory purchase of lands, for the purposes of that Act, may be exercised at any time within three years from the passing of this Act.

Providing for earlier transfer of existing works to Joint Committee.

**4.** Notwithstanding anything contained in the 56th section of the Act of 1870, the transfer to and vesting in the Joint Committee of the separate and joint undertakings, and the other property, powers, rights, and interests referred to in the said section, may and

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shall take effect on the first day of July one thousand eight hundred and seventy-eight, and all the provisions of the said Act relating to the transfer shall apply to the transfer at such earlier date.

Application of excess of contribution.

**5.** Any excess of contribution which, under the provisions of the 58th section of the Act of 1870, may be refunded to any of the three corporate bodies, shall be applied by those bodies respectively in discharging the principal money borrowed by them for the purposes and under the powers of the said Act of 1870.

Providing for arbitration on valuation of existing works.

**6.** Any difference such as is mentioned in the 59th section of the Act of 1870 which may arise among the three corporate bodies and the local boards of Mossley and Hurst with respect to the valuations, or any matter connected with the valuations, of the existing works shall be referred not to the standing arbitrator, but to a single arbitrator to be appointed by the Local Government Board upon the application of any of the five bodies, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration shall, so far as they are applicable, apply to such arbitration: Provided that at such valuations the three corporate bodies and the local boards of Mossley and Hurst may be represented by their counsel, attorneys, or agents, and the costs shall be ascertained by the arbitrator, and paid by the Joint Committee or by the corporate bodies and local boards respectively, or such of them, and in such proportions as the arbitrator shall direct.

Limiting power of lateral deviation.

**7.** The powers granted to the Joint Committee by the 18th section of the Act of 1870 of deviating laterally from the lines of the proposed works as shown on the deposited plans referred to in the said Act shall not be exercised so as to enable the Joint Committee to raise the embankments or retaining walls of any reservoirs to a greater height above the general surface of the ground than is shown on the deposited sections referred to in the same Act. Subject nevertheless to the powers of vertical deviation contained in the said Act (section 19).

Providing for sinking fund.

**8.** Section 87 of the Act of 1870 is hereby repealed, and in the stead thereof be it enacted, as follows: The three corporate bodies and the local boards of Mossley and Hurst shall on and from the first day of July 1880 and thenceforth annually on the same day severally set apart, out of their respective borough fund or borough rates and district fund account or general district rates, as a sinking fund for the payment of moneys borrowed by them respectively under the Act of 1870 on the security of such several

funds and rates, and of the property vested in them respectively, a sum equal to one-hundredth part of the principal moneys so borrowed by them respectively, such sum either to be applied from time to time towards repayment of the said principal moneys, or to be accumulated by way of compound interest by investing the same in Exchequer bills or Government securities until thereby or otherwise the whole of such moneys have been fully paid; and the said several bodies shall from time to time apply such accumulations in repayment of such principal moneys.

Annual returns to Local Government Board with respect to sinking fund.

**9.** The town clerks of Ashton-under-Lyne and Stalybridge respectively, and the clerks of the local boards of Dukinfield, Hurst, and Mossley respectively, shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that board, and verified by statutory declaration if so required by them, showing the amount which has been applied to the payment of principal moneys, or has been invested for the purpose of such sinking fund, during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the said several bodies or any of them have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Protection of lenders from inquiry.

**10.** A person lending money to the said several bodies, or any of them, shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money or of any part thereof.

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Power to re-borrow.

**11.** If the said several bodies pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of a sinking fund they may re-borrow the same, and so from time to time.

Expenses of Act.

**12.** The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Joint Committee out of the capital provided for in the said Act of 1870 as amended by this Act.

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