

CHAPTER xxxix.

An Act to confer further powers on the Belfast City and District Water Commissioners. [30th June 1903.] A.D. 1903.

WHEREAS the Belfast City and District Water Commissioners (hereinafter called "the Commissioners") were incorporated by the Belfast Water Act 1840 and by that Act and by Acts amending and extending the same the Commissioners were authorised to supply water in the city of Belfast and in certain portions of the counties of Antrim and Down:

And whereas by the Belfast Water Act 1893 (hereinafter called "the Act of 1893") the Commissioners were authorised for the purpose of supplementing their existing sources of supply to intercept the waters of the Kilkeel River and of the Annalong River respectively and to construct a storage reservoir in the valley of the Kilkeel River in the Mourne Mountains and an aqueduct about forty miles in length for conveying the said waters to the city of Belfast together with a service reservoir and other subsidiary aqueducts railways roads and works incidental thereto:

And whereas by the Belfast Water Act 1897 (hereinafter called "the Act of 1897") the Commissioners were authorised to construct a reservoir in the valley of the said Annalong River for the purpose of storing the waters of the said river authorised by the Act of 1893 to be intercepted and were authorised to construct other works for the improvement of the works authorised by the Act of 1893 (all of which are hereinafter collectively referred to as "the Mourne Scheme"):

And whereas the Commissioners are constructing the aqueducts authorised by the Act of 1893 and have so far constructed the aqueduct from the Annalong River to Belfast as to make it available for conveying a portion of the waters of the said river

A.D. 1903.

to supplement the Commissioners' other sources of supply but they have not yet constructed either of the said storage reservoirs:

And whereas in view of the prospective increase of the demand for water in Belfast the Commissioners are constructing the said aqueduct of a capacity sufficient to meet the requirements of their area of supply for many years to come in order to avoid the great expense of having hereafter to enlarge or duplicate the aqueduct:

And whereas the Commissioners have purchased the whole of the waters of the Kilkeel and Annalong Rivers which will be impounded by the reservoirs in the valleys of those rivers and when the said reservoirs are completed the water so impounded will with the Commissioners' present sources of supply not only suffice to meet the requirements of the existing inhabitants of the Commissioners' area of supply but also any increase of their numbers for many years to come:

And whereas the cost of the Mourne scheme so far as constructed has greatly exceeded the amount of the original estimate owing to the rise in the price of materials and other unforeseen causes:

And whereas in order to protect the water supply for the Mourne scheme from pollution the Commissioners have purchased the lands forming the entire catchment area of the Kilkeel River and the greater portion of the catchment area of the Annalong River above the sites of the authorised reservoirs on those rivers:

And whereas in order to preserve the purity of the water taken by the Commissioners from the Stoneyford and Carrickfergus districts the Commissioners were authorised by the Act of 1897 and the Belfast Water Act 1899 (hereinafter called "the Act of 1899") to purchase lands in the catchment areas in those districts and they have expended and are still expending very large sums in the purchase of such lands which expenditure was not contemplated when the Mourne scheme was authorised:

And whereas the lands which the Commissioners have already purchased for the purpose of preventing pollution exceed thirteen thousand acres:

And whereas by the Act of 1893 the Commissioners were authorised to postpone the establishment of a sinking fund for the repayment of the money authorised to be borrowed under that Act until the year 1898:

And whereas at the time when the Commissioners borrowed such money it was anticipated that the progressive increase in the

revenues of the Commissioners would be continuously maintained and that the payments into the sinking fund could be made without an undue increase of the water rates and accordingly the sinking fund was established from the date of borrowing: A.D. 1903.

And whereas if the Commissioners continue to pay off the money borrowed for the Mourne scheme by means of the sinking fund required to be established by the Acts of 1893 and 1897 the greater part of the cost of the Mourne scheme having regard to the nature of the works will fall upon the present generation of ratepayers who will reap only a small portion of the benefit to be derived from it:

And whereas in consequence of the depression of trade and other causes the anticipated increase in the Commissioners' revenues has not been realised and although the Commissioners have already considerably increased the rates for water they cannot continue the payments to the sinking fund without further increasing those rates to an extent prejudicial to the prosperity of the city of Belfast:

And whereas it is expedient that the powers of the Commissioners to suspend payments into the sinking fund should be revived and extended as hereinafter provided:

And whereas it is expedient that the position of the embankment of the Reservoir (No. 1) authorised to be constructed by the Act of 1893 should be altered:

And whereas it is expedient that the Commissioners should be empowered to borrow further moneys for the purposes of this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred on the Commissioners:

And whereas plans and sections showing the lines and levels of the work authorised by this Act and also a book of reference thereto 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 peace for the county of Down in the city of Belfast and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1903.

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Part I.

Preliminary.

Short title and division of Act into parts.

1. This Act may be cited as the Belfast Water Act 1903 and is divided into parts as follows :—

Part I.—Preliminary.
Part II.—Financial.
Part III.—Power to execute work.
Part IV.—Miscellaneous.

Citation of Acts.

2. This Act and the Belfast Water Acts 1840 to 1899 may be cited as the Belfast Water Acts 1840 to 1903.

Incorporation of Acts.

3. The Lands Clauses Acts the Waterworks Clauses Act 1847 except sections 68 to 73 and the sections thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit the Waterworks Clauses Act 1863 and so much of the Commissioners Clauses Act 1847 as relates to the borrowing of money on mortgage except where expressly varied by or inconsistent with this Act are incorporated with and form part of this Act And in the said incorporated Acts or any of them or in any Acts incorporated therewith or with this Act unless there be something in the subject or context repugnant to the respective constructions hereinafter defined the expressions "the promoters" "the promoters of the undertaking" "the undertakers" "the company" mean respectively the Commissioners the word "secretary" means the secretary of the Commissioners the expression "the undertaking" means the work by this Act authorised Provided that section 44 of the Waterworks Clauses Act 1847 as incorporated in any Acts relating to the undertaking of the Commissioners including this Act shall be construed as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" had been omitted therefrom.

Interpretation.

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

And in this Act—

The expression "the Act of 1884" means the Belfast Water Act 1884;

The expression "the Act of 1893" means the Belfast Water Act 1893;

The expression "the Act of 1897" means the Belfast Water Act 1897;

The expression "the Act of 1899" means the Belfast Water Act 1899;

The word "Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1899 and this Act;

The expression "the undertaking" includes the streams springs wells reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water under the authority of the Belfast Water Acts 1840 to 1899 and this Act vested in the Commissioners.

Part II.

Financial.

Power to borrow further moneys.

5. The Commissioners may from time to time borrow on mortgage of the rates to be assessed and levied under the authority of the Belfast Water Acts 1840 to 1899 and this Act and the other revenues of the undertaking in addition to the moneys they are already authorised to borrow—

Such further sum or sums of money not exceeding the sum of seventy thousand pounds as shall from time to time be requisite for the purposes of this Act and the general purposes of the undertaking.

Application of moneys.

6. All moneys borrowed under the powers of this Act shall be applied only to purposes to which capital is properly applicable.

Application of existing Acts to borrowing powers.

7. The several powers and provisions of the Belfast Water Acts 1840 to 1899 now in force with respect to the borrowings of money at interest by the Commissioners the re-borrowings of money the securities to be given for money borrowed and interest thereon the giving of notices for repayment of moneys borrowed the payment off of the same the payment of interest and the appointment of a receiver shall so far as applicable extend and apply to all moneys borrowed by the Commissioners under this Act and the interest payable thereon as if those moneys were moneys by the said Acts authorised to be borrowed by the Commissioners and subject to the provisions of this Act the provision contained in the Act of 1899 as to providing a sinking fund with respect to the

A.D. 1903.

moneys authorised to be borrowed under that Act shall extend to all moneys authorised to be borrowed under this Act as fully and effectually as if the borrowing of such last-mentioned moneys had been authorised by the Act of 1899.

Existing mortgages to have priority.

8. All mortgages granted by the Commissioners in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by the Commissioners by virtue of this Act.

Amendment of Acts of 1893 1897 and 1899 as to sinking fund.

9. The powers conferred upon the Commissioners by the Act of 1893 to postpone payments into the sinking fund by that Act prescribed is hereby revived and shall extend for a period of ten years from the passing of this Act and the Commissioners may for a like period postpone payments into the sinking funds prescribed by the Acts of 1897 and 1899.

Further power to apply moneys borrowed.

10. The Commissioners may apply for the purposes of this Act any moneys borrowed or to be borrowed by them under the Belfast Water Acts 1840 to 1899 and this Act.

Part III.

Power to execute Work.

Power to construct work.

11. Subject to the provisions of this Act the Commissioners may make construct lay down and maintain in the lines and according to the levels shown on the deposited plans and sections the work hereinafter referred to:—

An alteration of the Storage Reservoir (No. 1) authorised by the Act of 1893 by the substitution for the embankment by that Act authorised of an embankment (to be situate on lands belonging to the Commissioners and five hundred yards or thereabouts south of the embankment authorised by the Act of 1893) commencing in the townland of Carrigenagh Upper and parish of Kilkeel at a point two hundred and ten yards or thereabouts measured in a south-easterly direction from the south-east corner of the valve house on the east side of the Kilkeel River belonging to the Commissioners and extending from the said point in a westerly direction for a distance of two hundred and thirty-one yards or thereabouts thence extending in a north-westerly direction for a further distance of three hundred

and nineteen yards or thereabouts and terminating in the townland of Ballinran Upper parish of Kilkeel at a point four hundred and thirty yards or thereabouts measured in a westerly direction from the said south-eastern corner of the said valve house and the altered reservoir will extend from the said embankment to a point three thousand two hundred and twenty-three yards or thereabouts measured in a northerly direction from the said south-eastern corner of the valve house above referred to:

The said reservoir as altered and the said embankment will be situate in the townlands of Mourne Mountains East Ballinran Upper and Carrigenagh Upper and parish of Kilkeel and county of Down.

New work to form part of Commissioners' undertaking.

12. Subject to the provisions of this Act the work to be constructed under the authority of this Act shall for all purposes whatsoever be and be deemed part of the undertaking of the Commissioners and of the works authorised by the Act of 1893 as if it had been authorised by that Act.

Power to deviate laterally and vertically in construction of work.

13. Subject to the provisions of this Act the Commissioners may in the construction of the work by this Act authorised deviate from the lines or position thereof as shown on the deposited plans to any extent within the limits of lateral deviation defined on those plans and the Commissioners may also deviate from the levels of the work by this Act authorised as delineated on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards Provided that if it be found necessary or expedient in the construction of the work by this Act authorised to alter the situation of any dam embankment or retaining wall the Commissioners shall not construct such dam embankment or retaining wall of a greater height above the general surface of the ground than three feet above the height thereof shown on the deposited sections.

Part IV.

Miscellaneous.

Amendment of section 55 of Act of 1884.

14. Section 55 (Dwelling-houses not occupied for three months not to be rated) of the Act of 1884 shall be read and have effect as if the words "or buildings" were inserted therein after the word "dwelling-house" and where any person shall enter into the occupation of any unoccupied dwelling-house or building at any time during any month such person shall be liable to the payment of the water rate or assessment made or payable in respect thereof as from the commencement of such month only.

A.D. 1903.

Extension of power to lay pipes.

15. The powers conferred upon the Commissioners by section 22 (General power to lay pipes) of the Act of 1884 and by section 31 (Extension of power to lay pipes) of the Act of 1897 are hereby extended and shall be read and have effect as if the words "eight miles" had been inserted in section 31 of the Act of 1897 instead of the words "six miles."

For protection of county council of county Down and Holywood Urban District Council.

16. The provisions contained in section 27 of the Act of 1893 (For protection of Grand Jury of County Down) shall so far as the same are applicable to the work by this Act authorised have effect for the protection of the county council of the county of Down and the Holywood Urban District Council with respect to the streets and roads under their control.

Commissioners may strike rate on revised list of tenements and hereditaments.

17. The Commissioners may at any time after receipt by them of the copy of the revised list of tenements and hereditaments from the commissioner of valuation or after notice of the publication of such list has been given make a rate thereon by amending the rate then current and may levy and recover any sum due on account of any rate so amended notwithstanding any pending appeal or any notice of appeal with respect to valuation and where the valuation of any tenement or hereditament is altered on appeal the Commissioners shall if the valuation is decreased repay any sum paid in respect of the rate in excess of the sum which would have been payable if the valuation had originally stood as altered on appeal and if the valuation is increased may levy an additional rate on the amount of the increase.

Costs of Act.

18. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or otherwise in relation thereto (as the same shall be taxed by the taxing officer of either House of Parliament) shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1899 and this Act and if paid out of borrowed money shall be repaid within five years from the passing of this Act.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.