ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. vii.

An Act for better supplying with Water the Township of *Belper* in the Parish of *Duffield* in the County of *Derby*. [3d *April* 1860.]

WHEREAS the Inhabitants of the Township of *Belper*, including the District, Hamlet, or Township of *Belper Ward* (in this Act called the Township of *Belper*) in the County of *Derby*, are not now adequately supplied with Water, and it is expedient that a more certain and a cheaper and better Supply should be afforded to them: And whereas Plans and Sections of the Reservoirs, Aqueducts, or Main Pipes and other Works proposed to be made for the Purpose of affording a better Supply of Water, showing the Line and Levels thereof, with a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and the Occupiers of the Lands through and upon which the Works are proposed to be constructed, have been deposited at the Office of the Clerk of the Peace for the County of *Derby*: And whereas the several Persons herein-after named and others are willing, at their own Expense, to afford such Supply, and to make and maintain all the necessary Works for the Purpose; but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by

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.

I. This Act may be cited for all Purposes as "*Belper* Waterworks Act, 1860."

8 & 9 Vict. cc. 16. & 18., and 10 & 11 Vict. c. 17. incorporated.

II. The several Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," are incorporated with this Act.

Incorporation of Company.

III. *Thomas Whittaker MacCallum*, the Reverend *Rees Lewis Lloyd*, *Samuel Kiddy*, *Robert Whittaker*, *Thomas Crofts*, and *John Webster*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of constructing, forming, and laying down Reservoirs, Aqueducts, or Main Pipes, and all other Works necessary or convenient for supplying the Inhabitants of the Township of *Belper* with Water, by and under the Name of "*Belper* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions in this Act and in the incorporated Acts contained.

Capital.

IV. The Capital of the Company shall be Seven thousand five hundred Pounds, divided into One thousand five hundred Shares of Five Pounds each.

Calls.

V. One Pound Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between the making of successive Calls.

Power to borrow on Mortgage.

VI. The Company may borrow on Mortgage any Sums of Money not exceeding in the whole the Sum of One thousand eight hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the Capital or Sum of Seven thousand five hundred Pounds shall have been subscribed for *bonâ fide*, and shall be held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable, and One Half thereof paid up.

Arrears may be enforced

VII. The Mortgagees under this Act may enforce Payment of the Arrears of Principal and Interest due on their respective Mortgages by the

the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Seven hundred Pounds. by Appointment of a Receiver.

VIII. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act. First Ordinary Meeting.

IX. The Quorum of every Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company. Quorum of Meetings.

X. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Twenty, and such Shareholders shall hold in the aggregate not less than One thousand five hundred Pounds in the Capital of the Company. Number of Shareholders to convene Extraordinary Meeting.

XI. The Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession by him in his own Right of Twenty Shares at the least in the said Undertaking, and *Thomas Whittaker McCallum*, the Reverend *Rees Lewis Lloyd*, *Samuel Kiddy*, *Robert Whittaker*, *Thomas Crofts*, and *John Webster* shall be the First Directors of the Company. Number and Qualification of Directors.

XII. A Quorum of a Meeting of Directors shall be Three. Quorum.

XIII. Subject to the Provisions in this and in the incorporated Acts contained, the Company may enter upon, take, and use such of the Lands, Springs, Streams, and Waters delineated on the deposited Plans, within the Limits of Deviation shown thereon, and described in the said Book of Reference, and also any Easement, Privilege, Power, or Authority in or over the same, as shall be necessary for the Purposes of the Works by this Act authorized; and in constructing the Works by this Act authorized to be made the Company may make lateral Deviations from the Line of such Works, not exceeding the Limits of Deviation described on the said Plans, and may deviate from the Levels of the Reservoirs to any Extent not exceeding Three Feet, and of other Works as delineated on the deposited Sections to any Extent not exceeding Five Feet. Power to take Lands for Works.

XIV. Provided always, That the Company shall not take or use or affect any Tank, Land, or Property belonging to the *Midland* Railway Company, or any Water now collected or used by that Company, without their Consent in Writing under their Common Seal. Not to take Tank, &c. of Midland Railway Company.

XV. The Works which the Company may execute are those described in the deposited Plans as follows: Powers that may be exercised by the Company.

They may construct and form or lay down a Reservoir in or near to the

the Land in which a Spring called or known by the Name of *Elliott's Spring* is situate;

An Aqueduct or Main Pipe commencing at such last-mentioned Reservoir, and terminating at the Junction of *Mill Lane* or *Kiln Lane* with a certain Road leading to *Bull's Moor* Farm;

A Reservoir at or near the Lands in which the Springs called *Spring Wood* Springs are situate;

An Aqueduct or Main Pipe commencing at such last-mentioned Reservoir, and terminating by a Junction with the said last-mentioned Aqueduct or Main Pipe at the Junction of *Mill Lane* or *Kiln Lane* with the Road leading to *Bull's Moor* Farm;

Another Aqueduct or Main Pipe commencing at such last-mentioned Reservoir, and terminating at or near a Row of Houses called or known by the Name of *Upper Canada*;

A Reservoir at or near the *Butts*;

Three several Aqueducts or Main Pipes, all commencing at such last-mentioned Reservoir, One thereof terminating at or near the Spring called or known by the Name of the *Gutter Well*, One other thereof terminating at or near the Spring called the *Lady Well*, and the other terminating at or near the lower End of *Queen Street*;

A Reservoir at or near the Spring called *Taylor Well*; and

An Aqueduct or Main Pipe commencing at such last-mentioned Reservoir, and terminating at or near a Bridge over the *Midland* Railway Station.

Powers for compulsory Purchases limited.

XVI. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XVII. The said Works shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed.

Limiting Pressure for Supply of Water.

XVIII. The Water of the Company shall be constantly laid on at a Pressure not greater than the residual Pressure to be afforded through the Pipes of Distribution from the Bottom of the Reservoirs of the Company shown on the said Plans and Sections.

For preventing Accidents from Reservoir.

XIX. In order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That when any Person interested complains to Two Justices that such Reservoir is in a dangerous State the Justices shall forthwith make Inquiries into the Truth of the Complaint: Provided always, that any Two Justices on their own View,

View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Order of Justices for immediate Repair.

XX. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that the Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company, and to lower the Water in the Reservoir, and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices after Summons on Company to repair Reservoir.

XXI. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties, or upon Default of Appearance of the Company then in their Absence, the Justices may, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey Orders.

XXII. If in any such Case the Company do not within such Period as the Justices specify in that Behalf in the Order lower the Water in the Reservoir, and do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company, and to lower the Water in the Reservoir, and do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things, if any, as the Justices think requisite and proper for removing the Cause of Complaint.

Form of Order.

XXIII. Any such Order of Justices may be in the Form or to the Effect following:

'To *A.B.* of

'WE, the undersigned, Two of Her Majesty's Justices of the Peace
' acting for do hereby order and direct
' you (and such Person or Persons as you may require to aid and assist
' you therein) forthwith to lower the Water in the [*here specify the*
' *Reservoir*], and do all such Works and Things as are requisite to repair
' and make good [*here specify the Reservoir to be repaired and made good*]
' (and you shall do as little Injury as possible to the Property of the Belper

' Waterworks Company), and in acting in obedience to the Premises this ' shall be your sufficient Warrant.

' Given under our Hands, this Day of in the ' Year of our Lord One thousand eight hundred and .'

Persons acting under Order of Justices not deemed Trespassers.

XXIV. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do, or instigate or suffer to be done, anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Justices may impose Penalty on Company for disobeying Order.

XXV. If the Justices so think fit, they may by any such Order under this Act impose on the Company, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day's Default which the Justices may think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Order of Justices on Company for Payment of Costs.

XXVI. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Company, and also all or such Part as the Justices think fit of the Expenses of the Works and Things due in pursuance of any such Order by any Person other than the Company, to be paid by the Company, and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Appeal by Company.

XXVII. Provided always, That if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Company shall have the like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Rates at which the Company are to supply Water.

XXVIII. The Company shall, at the Request of the Owner or Occupier, and subject to the Provisions of this Act, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House, and to every Person entitled to demand a Supply of Water in any Street or other Place within the Township of *Belper*, and adjoining or near to which any Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Use of every such Occupier or Person, which Term "domestic Use" shall include a Supply of Water to One Watercloset, but not for a Bath, or for Cattle, or for Horses, or for washing Carriages, where such Horses

Horses or Carriages are kept for Hire, or by Common Carriers, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose, at a Rate *per Centum per Annum* upon the annual Rackrent or Value of the Premises so supplied with Water not exceeding the Rates following; (that is to say,)

Where the annual Rackrent or Value shall not exceed Ten Pounds, at the Rate of Seven Pounds:

Where the annual Rackrent or Value shall exceed Ten Pounds and shall not exceed Twenty Pounds, at the Rate of Six Pounds:

Where the annual Rackrent or Value shall exceed Twenty Pounds, at the Rate of Five Pounds:

But the Company shall not be obliged to furnish such Supply to any Occupier for any less Sum than Four Shillings and Sixpence in any One Year, if such Supply does not include a Supply of Water to One Watercloset, or for any less Sum than Ten Shillings if such Supply does include a Supply to One Watercloset.

Limiting Amount for Charge of Watercloset.

XXIX. The Company may charge in any One Year in respect of the First Bath the Sum of Ten Shillings, and in respect of every Watercloset beyond the First, and of every Bath beyond the First, in or belonging to any private Dwelling House, the Sum of Five Shillings.

Cisterns, Closets, and Baths to be so constructed as to prevent Waste, &c.

XXX. Every Cistern or other Receptacle for Water, and every Watercloset, Soil Pan, and private Bath, which shall be supplied with Water by the Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith; and, notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Company shall not be bound to supply Water into any Cistern or other Receptacle for Water, or to any Watercloset, Soil Pan, or private Bath, which shall not be so constructed and used.

Water for other than domestic Purposes to be supplied by Agreement.

XXXI. The Company may supply any Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Expenses of Act.

XXXII. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.