CHAPTER lxxxiv.

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An Act for extending the powers of the Bingley Improvement Commissioners in relation to the supply of Water to their District, for empowering the Commissioners to make Street Improvements, and to make further provision for the Local Government of the District of the Commissioners; and for other purposes. [27th June 1881.]

WHEREAS the Bingley Improvement Commissioners (in this Act called the Commissioners) were constituted for carrying into execution the Bingley Improvement Act, 1847, (in this Act called the Act of 1847,) by which powers were conferred for lighting, paving, cleansing, sewering, draining, regulating, and improving the town and neighbourhood of Bingley, in the west riding of the county of York: 10 & 11 Vict. c. cclviii.

And whereas by the Bingley Extension and Improvement Act, 1867, (in this Act called the Act of 1867,) the limits of the district of the Commissioners were extended and their powers enlarged; and by an order of the Local Government Board confirmed by the Local Government Boards Provisional Orders Confirmation (Bingley &c.) Act, 1876, (in this Act called the order of 1876,) the limits of the district of the Commissioners were further extended: 30 & 31 Vict. c. lxxxviii. 39 & 40 Vict. c. cxcviii.

And whereas the Commissioners are the urban sanitary authority for the Improvement Act District of Bingley, being the district of the Commissioners, as defined and extended by the Acts of 1847 and 1867 and the order of 1876, and which district is in this Act called the district:

And whereas by section 22 of the Act of 1847, the Commissioners were empowered to take on lease from William Busfeild Ferrand (now called William Ferrand) certain springs or streams of water arising or flowing in Bell Bank Wood, and also certain cisterns, pipes, apparatus, and works, which had for some time past

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been used for supplying the town and neighbourhood of Bingley with water, for such term, at such rent, and generally upon such terms as should be mutually agreed upon: And it was further provided (section 23), that the Waterworks Clauses Act, 1847, should be incorporated with the Act of 1847, during the continuance of any such lease, and by the Act of 1867 (section 38) power was given to the Commissioners to purchase by agreement the said springs, streams, and waterworks:

10 & 11 Vict. c. 17.

And whereas in pursuance of the powers in that behalf contained in the Act of 1847, the said William Ferrand granted to the Commissioners a lease of the said springs, streams, and waterworks, and the Commissioners are now in possession of the same and entitled thereto for the residue of a term of thirty years dating from the first day of July one thousand eight hundred and sixty-two, and the Commissioners have, in connexion with the said waterworks expended large sums of money in the construction of reservoirs and the laying down of new and enlarged mains and pipes, and in otherwise improving the said waterworks; and it is expedient that the Commissioners should be empowered to acquire further springs and waters belonging or reputed to belong to the said William Ferrand:

And whereas it is expedient that the Commissioners be empowered to make certain street improvements:

And whereas the Commissioners manufacture and supply gas within the district; and it is expedient that they be empowered to produce and supply electric light:

And whereas it is expedient that the mode of electing Commissioners be altered, and that better provision be made in various respects for the execution of their powers:

And whereas it is expedient that the Commissioners be authorised to raise further money by borrowing, and that their powers in relation to the local management and government of the district be in other respects extended:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Commissioners for the purchase of land, and for the execution of the works, and for other the purposes by this Act authorised, and such estimates are as follows:

	£
For waterworks purposes - - -	19,000
For street improvements - - - -	15,000
For providing electric lighting - - -	10,000
For gasworks purposes - - - -	10,000

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the twenty-second day of December one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Bingley Telephone and Airedale Courant, a local paper published or circulating in the district, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the improvement rate of the district:

And whereas such resolution was published twice in the Bingley Telephone and Airedale Courant, a newspaper circulating in the district, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Commissioners at a further special meeting held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Public Health Act, 1875 (Schedule III.), have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands required, or which may be taken for the purposes or under the powers of this Act, have been deposited with the clerk of the peace for the west riding of the county of York, and are in this Act referred to as the deposited plans, sections, and book of reference.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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,)

I.—Preliminary.

Short title.

1. This Act may be cited as the Bingley Water and Improvement Act, 1881.

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Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act, namely:

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (in this Act called the Lands Clauses Acts);

The Waterworks Clauses Act, 1847, (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

26 & 27 Vict. c. 93.

The Waterworks Clauses Act, 1863.

10 & 11 Vict. c. 16.

The Commissioners Clauses Act, 1847, except sections 90, 91, 92, 93, 94, and 95, relating to the accounts and the auditing of accounts of Commissioners.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there is something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act for the purposes of this Act, "the undertakers" or "the Company" means the Commissioners, and in this Act the "Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same, and the expressions "owner" and "premises" shall have the same respective meanings as they have in the Public Health Acts, and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

II.—Water.

Water limits.

4. The limits of this Act for the supply of water shall be the district, and such limits are in this Act referred to as the water limits.

Act to be carried into execution by Commissioners.

5. This Act shall be carried into execution by the Commissioners, and the Act of 1847, the Act of 1867, and this Act may be cited together as the Bingley Improvement Acts of 1847, 1867, and 1881.

Power to take on lease or

6. The Commissioners may by agreement take upon lease, not only the springs and waters mentioned in section 22 of the Act of

1847, but all other springs and waters belonging to the said William Ferrand, or other the owner or owners thereof, for the time being arising or flowing upon the St. Ives Estate in the township and parish of Bingley and the township of Wilsden, in the parish of Bradford, in the west riding of the county of York; and section 22 of the Act of 1847 shall be read and apply as if such last-mentioned springs and waters were included therein, and any such lease as aforesaid may be for a term of 999 years, or any shorter period, not less than 100 years, and may as to all or any of the premises comprised therein be made in possession, or to commence at any future time. A.D. 1881. purchase springs and waters belonging to William Ferrand.

And the power conferred upon the Commissioners to purchase by agreement the waters and waterworks mentioned or referred to in section 38 of the Act of 1867 shall extend to all springs and waters herein-before in this section mentioned, and section 38 of the Act of 1867 shall be read and apply as if all such springs and waters were therein mentioned or referred to.

Power to lay pipes in streets between St. Ives estate and district.

7. For the purpose of laying, renewing, repairing, or altering any main or pipe in any street in the township of Bingley for the conveyance of water from the springs and waters arising or flowing upon the said St. Ives Estate, the Commissioners may exercise the power conferred (subject to the conditions imposed) upon undertakers by the Waterworks Clauses Act, 1847, in respect to the breaking up of streets for the purpose of laying pipes as if such street were within the water limits.

Supply regulated by gravitation.

8. The Commissioners shall not be bound at any time to lay on the supply of water at any elevation at which, having regard to the general supply within the water limits, the water cannot be supplied by gravitation from the Harden Road Reservoir of the Commissioners.

Rates for supply of water.

9. The Commissioners may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following; (that is to say,)

Where the gross estimated rental of the premises so supplied with water shall not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings:

Where such gross estimated rental shall exceed twenty pounds, and not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds:

Where such gross estimated rental shall exceed forty pounds, and not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds ten shillings:

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Where such gross estimated rental shall exceed sixty pounds, and not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds:

Where such gross estimated rental shall exceed eighty pounds, and not exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds ten shillings:

Where such gross estimated rental shall exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds:

Provided always, that the Commissioners shall not be compellable to afford a supply of water for domestic purposes, for any less sum than threepence a week for every dwelling-house or part of a dwelling-house, and the above-mentioned rate (including the minimum rate of threepence a week), shall for the purposes of section 62 of the Public Health Act, 1875, be deemed to be the rates authorised by the local Act in force within the district.

In addition to the rates computed as above specified the Commissioners may charge for a second watercloset or for any private bath, in any private dwelling-house, or part of such dwelling-house, or appurtenance thereto the following rates; that is to say,

When the gross estimated rental shall not exceed ten pounds, the sum of five shillings per annum:

When the gross estimated rental shall exceed ten pounds, but shall not exceed twenty pounds, the sum of six shillings per annum:

When the gross estimated rental shall exceed twenty pounds, but shall not exceed forty pounds, the sum of eight shillings per annum:

When the gross estimated rental shall exceed forty pounds, but shall not exceed eighty pounds, the sum of ten shillings per annum:

When the gross estimated rental shall exceed eighty pounds, the sum of twelve shillings per annum:

And for every additional watercloset beyond the second, and for every additional bath beyond the first, the sum of five shillings a year respectively.

The gross estimated rental shall for the purposes of this section be ascertained by the valuation list for the time being in force, or if there is none, by the rate for the relief of the poor, made next before the demand for the water rate under this act.

Incoming tenant not to be liable for arrears of water

10. If any water consumer leave the premises to which water has been supplied without paying to the Commissioners the water rate or charges due from him, the Commissioners shall not require from the next tenant of the premises payment of the arrears so left

unpaid by the defaulting consumer, unless the incoming tenant shall have agreed with the Commissioners or with the defaulting consumer to pay the arrears; but the Commissioners shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act, if required by him so to do.

Incoming tenant not liable for arrears of former consumer, except by express agreement.

11. The Commissioners are hereby authorised to cause either main pipes or service pipes, as circumstances shall require, to be laid down, and water to be brought through every street within the water limits, and shall at the request of the owner or occupier of any house, in any street in which such pipes shall have been so laid down, furnish to such person within such house, by means of branch or communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained, as in this section mentioned, a sufficient supply of water for domestic purposes; and the owner of any house within the water limits not properly supplied with water shall, when thereunto required by the Commissioners, provide a branch or communication pipe, and other necessary and proper apparatus to convey the water into such house from any main or service pipe, which now is or hereafter may be laid in any street in which such house may be situate, in such manner as to afford an actual supply of water within such house to the occupier thereof, and the occupier of such house shall pay the water rates in respect of such supply.

Supply of water for domestic purposes.

12. Subject to the provisions of this Act, the Commissioners from time to time may make and enforce, by penalties and otherwise, regulations for preventing the contamination, waste, or misuse of water, and among other things may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks cisterns, and other apparatus used for the purposes of the supply, and may prescribe the mode, manner, and time of connecting the service pipes with the pipes belonging to the Commissioners: Provided that no such regulations shall be operative until they have received the approval of the Local Government Board, nor in any part of the district in which they are not bound to afford a constant supply.

Commissioners may make regulations for preventing waste of water.

13. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Commissioners may refuse to supply water, or cut off the water supplied by them to him, unless and until the regulations be complied with; and if and whenever any difference arises as to whether the regulations have been complied with by any person whose supply of water is so cut off, the difference may be referred by either party to, and shall be settled by, two justices.

Commissioners may refuse supply where regulations not complied with.

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For preventing waste of water.

14. The Commissioners shall not be compellable to supply with water any bath if it contain when filled for use more than fifty gallons of water, or any watercloset or bath, or the apparatus connected therewith, unless the same be made to the satisfaction of the Commissioners and used so as to prevent the waste, contamination, or undue consumption of the water of the Commissioners.

Commissioners may remove pipes, &c.

15. If and whenever any house, building, or premises which shall have been supplied with water by the Commissioners shall be unoccupied, the Commissioners, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business, or if the owner, or his usual place of abode or business be not known to the Commissioners, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Commissioners.

Public drinking fountains.

16. The Commissioners from time to time, when and as they think expedient, may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the Commissioners think fit, but not against any private dwelling-house, warehouse, counting-house, or shop, except with the consent of the owner and occupier thereof, or against any public building unless the building shall be the property of the Commissioners.

Charges for supply of water for other than domestic purposes.

17. The Commissioners may supply water within the water limits for purposes other than domestic purposes, by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Commissioners and the person requiring the supply, and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Rate payable by owner for small houses, &c.

18. Where the gross estimated rental of a house supplied with water does not exceed ten pounds, or the house is let to monthly or weekly tenants, or tenants holding for any other period less than a

month, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from the rent from time to time due from him to the owner.

Where several houses supplied by one pipe each to pay.

19. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Commissioners by a distinct pipe: Provided always, that the Commissioners shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Supply to houses partly used for trade, &c.

20. The Commissioners shall not be bound to supply with water, otherwise than by measure, any building used as a dwelling-house, whereof any part is used as a warehouse, or for any trade or manufacturing purpose for which water is required.

III.—Street Improvements and Private Improvement Expenses.

Street improvement.

21. The Commissioners may make and maintain in the lines, and according to the levels shown on the deposited plans and sections, the street improvement following; (that is to say,)

A widening of Main Street on the south-west side thereof, commencing at the junction of that street with Queen Street, and terminating at the junction of Main Street with Ferrand Lane;

together with all approaches, sewers, drains, works, and conveniences, necessary or proper, in connexion therewith.

Private improvement expenses.

22. In regard to expenses incurred by the Commissioners under section 150 (power to compel paving, &c. of private streets) of the Public Health Act, 1875, (in this section called private improvement expenses,) and the recovery thereof, the following provisions shall apply:

(1.) The Commissioners may, in relation to the cost to them of the surveying and superintendence of the works in respect of which private improvement expenses are incurred, charge the owners or other persons liable to the payment of such expenses, with a commission not exceeding the rate of five per centum on the amount of those expenses, and may add the

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same to those expenses and recover the same therewith, and the sum so recoverable shall bear interest from the demand thereof at a rate fixed by the Commissioners not exceeding five per centum per annum, and such interest shall be recoverable accordingly.

(2.) The Commissioners may apportion the private improvement expenses incurred in respect of any work executed in or for any court, passage, alley, or yard amongst the owners of the lands or premises in, on, or abutting on any such court, passage, alley, or yard in such manner as the Commissioners may deem equitable instead of in proportion to their respective frontages; but any person deeming himself aggrieved by the decision of the Commissioners may appeal to the Local Government Board under and in accordance with the provisions of section 268 of the Public Health Act, 1875, and that Board may alter the apportionment as they may think equitable.

(3.) The Commissioners shall have the like rights and remedies in relation to the charge created by section 257 (recovery of expenses by local authority from owners) of the Public Health Act, 1875, on the premises in respect of which private improvement expenses are incurred, as if they were mortgagees with power of sale of such premises for the amount of such charge, and the mortgagor had made default.

(4.) Summary proceedings for the recovery of private improvement expenses or any instalment thereof may be commenced at any time within two years from the date of the service of the notice of demand:

(5.) The Commissioners may apply the improvement rate in or towards defraying private improvement expenses; but this power shall not affect the liability of any owner or other person chargeable therewith to repay the moneys expended by the Commissioners.

IV.—Lands.

Power to take lands referenced.

23. Subject to the provisions of this Act the Commissioners may enter on, purchase, take, and use such of the lands delineated and described in the deposited plans and book of reference as are required for the purposes of this Act, except the lands delineated on sheet No. 1 (plan of the proposed waterworks) of the deposited plans.

Correction of errors, omissions, &c.

24. If any omission, misstatement, or erroneous description is found to have been made of any lands or of any owners, lessees, or occupiers of any lands described or intended to be described in

the deposited plans or books of reference, the Commissioners may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appears to the justices that the omission, misstatement, or erroneous description arose from mistake they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the riding and the parish) as if it had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, purchase, take, and use the lands to which the certificate relates accordingly.

Houses of labouring classes.

25. The Commissioners shall not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention; and before taking any such houses the Commissioners shall, unless they and the persons aforesaid otherwise agree, procure sufficient accommodation elsewhere for persons belonging to the labouring classes who will be displaced under the powers of this Act, and for that purpose may appropriate any lands for the time being belonging to the Commissioners, and thereon erect houses; and if any question arises as to the sufficiency of the accommodation provided by the Commissioners under this section, the same shall be determined by a Court of Summary Jurisdiction under section 181 of the Public Health Act, 1875.

Period for compulsory purchase of lands.

26. The powers of the Commissioners for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Power to take additional lands by agreement.

27. The Commissioners may from time to time for any purpose of this Act purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion.

Power to take easements, &c. by agreement.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Commissioners

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any easement, right, or privilege (not being an easement of water) required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid.

Power to retain, sell, &c. lands.

29. Notwithstanding anything in the Lands Clauses Acts the Commissioners may, in relation to lands purchased or taken for providing space for the erection of buildings adjoining to or near the street improvement by this Act authorised or in relation to any other lands belonging to them and adjoining to or near such improvement, retain, hold, and use for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of in such manner for such consideration, and on such terms and conditions as they think fit, and in case of sale, either in consideration of a gross sum or of an annual rent or of any payment in any other form, any such lands or any interest in any such lands, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Application of proceeds of sale of surplus lands.

30. The proceeds of the sale of any surplus lands of the Commissioners under the powers of this Act shall be applied only to purposes authorised by this Act, and to which capital moneys are applicable.

Power to deviate.

31. In constructing the street improvement and other works by this Act authorised, or any of them, the Commissioners may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans, and beyond those limits with the consent of the persons through whose lands such deviation is proposed to be made, and where on any road no such limits are shown, the boundaries of such road shall be deemed to be such limits, and may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet.

Time for completion of works.

32. If the street improvement and other works by this Act authorised are not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted for the making thereof respectively, or otherwise in relation thereto, shall cease to be exercised, except as to such of them, or so much thereof respectively as is then completed.

V.—ELECTRIC LIGHTING AND GAS.

Electric lighting.

33. With respect to the production and supply of light, heat, and motive power by means of electricity, the following provisions shall have effect; (that is to say,)

(1.) The expression "place of public resort," means any premises belonging to or used by the Commissioners, and any place of public worship, railway station, public garden, theatre, concert-room, or public slaughter-house.

(2.) During a period of ten years from the passing of this Act, and for the purposes of lighting streets and places of public resort within the district, but for no other purpose, the Commissioners may produce and supply light by means of electricity, and for that purpose exercise any of the powers herein-after in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)

(I.) For any of the purposes of this section they may use any lands for the time being belonging to them and not by any Act specifically appropriated to any other purpose.

(II.) They may upon any such lands erect and maintain any necessary workshops, engine-house, store-houses, or other buildings necessary for any of the purposes of this section.

(III.) They may manufacture, buy, or hire, and may use and may supply, sell, or let any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section.

(IV.) Subject to the provisions of this section they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent, and sell or let any materials or articles necessary for the purposes of this section.

(V.) They may acquire licenses (not being exclusive) for themselves, or for any persons, companies, or corporation licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things.

(VI.) They may exercise for the purposes of this section, in the whole or any part of the district, as to electric lighting, any of the powers which are vested in or exerciseable by a sanitary authority under the Acts relating to the Public Health Acts for lighting by oil or gas.

(VII.) They may exercise, for the purposes of this section as to electric lighting, any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers. 10 & 11 Vict. c. 15. 34 & 35 Vict. c. 41.

(VIII.) They may supply by agreement for use in any place or places of public resort light produced by electricity and meters or other fittings, or may let meters or other fittings for any of the purposes of this section.

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(IX.) They may charge in advance or otherwise for any light, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction.

(X.) Generally they may do all things necessary and incidental to the purposes of this section.

Provisions to extend to heat and motive power.

(3.) The provisions of this section shall extend to and in relation to the production and supply by the Commissioners of heat or motive power by application of the electricity, and such application is included in the expression electric lighting.

Expenses to be charged on the improvement rate.

(4.) All expenses from time to time incurred by the Commissioners in carrying this section into effect shall be charged on, and all moneys received by the Commissioners under this section shall be carried to the credit of the Improvement Rate.

Power to borrow.

(5.) The Commissioners may from time to time for the purposes of this section borrow at interest on the security of the Improvement Rate such sum or sums as the Commissioners from time to time find requisite, not exceeding in the whole the sum of ten thousand pounds, and they may mortgage the said rate as a security for the repayment of money so borrowed with interest accordingly. The provisions of this Act relating to the borrowing, re-borrowing, and repayment of borrowed moneys shall extend and apply mutatis mutandis to the moneys borrowed under the powers of this section, except that the period for the repayment of such moneys shall be ten years from the passing of this Act.

Application of revenue.

(6.) The Commissioners shall keep accounts in respect of electric lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their electric lighting undertaking, except borrowed money or other money received on capital account, as follows; (that is to say,)

FIRST. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of electric lighting rents and charges, and of the borrowing of money under this section.

SECONDLY. In payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking.

THIRDLY. In payment of the interest on money borrowed under this section.

Fourthly. In providing the requisite instalments or sinking fund under this section.

Fifthly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by this Act authorised to invest sinking funds and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Commissioners in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds, and so from time to time as often as such reduction happens.

And shall carry to the improvement rate any balance remaining in any year and the annual proceeds of the reserve fund when amounting to one thousand pounds.

Application of money borrowed.

(7.) The money borrowed under this section shall be supplied for the purposes for which it is authorised to be borrowed, and generally for objects for which capital money is properly applicable, and for no other purposes.

Provision as to general Acts.

(8.) Nothing in this Act shall exempt the Commissioners or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity or other similar means, which may be passed in this or any future session of Parliament.

Commissioners not to be exempted from proceedings for nuisance.

(9.) Nothing in this Act shall exonerate the Commissioners from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them.

Protection of Postmaster General.

34. With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of electricity, done in pursuance of this Act, the following provisions shall have effect:

1. It shall not be lawful for the Commissioners to do any such work whereby any telegraphic line of the Postmaster General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster General, the Commissioners or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster General specifying the

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course and nature of the work, including the gauge of any wire, and the Commissioners and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said work.

2. Any difference which arises between the Postmaster General and the Commissioners or their agents, with respect to any requirements so made, shall be determined by the Board of Trade, whose decision shall be final; and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Commissioners or their agents were a company.

31 & 32 Vict. c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Commissioners or their agents, the Commissioners shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

4. Provided that nothing in this section shall subject the Commissioners or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

5. For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work.

6. For the purposes of this section and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act as if the Commissioners were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41 & 42 Vict. c. 76.

35. The Commissioners may, if they think fit, purchase, provide, supply, sell, let for hire, use, and otherwise deal in gas and other fittings, engines, stoves, ranges, pipes, and other apparatus for the warming of houses and buildings, the cooking of food, and for all other purposes for which gas can or may be used, and any such letting for hire may be for such remuneration in money and on such terms with respect to the repair of the articles and fittings let and for securing the safety and return to the Commissioners of such articles and fittings, and otherwise as may be agreed upon between the hirer and the Commissioners.

Power to supply gas-fittings, &c. for heating and other purposes.

VI.—Election of Commissioners and Meetings.

36. Notwithstanding anything contained in the Act of 1847 or any Act incorporated therewith, or in any Act referred to in section 11 of the Act of 1847, no person shall be elected a Commissioner unless nominated in accordance with the provisions of this section.

Commissioners to be nominated.

Any person entitled to vote at an election of Commissioners may nominate for the office of Commissioner himself (if qualified to be elected) or any other person or persons so qualified (not exceeding the number of persons to be elected).

Every such nomination shall be in writing, and shall state the names and residences and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and may be in the form A in the Schedule to this Act.

Every nomination paper subscribed as aforesaid shall be delivered at the office of the Commissioners, addressed to the clerk to the Commissioners, five days at least before the day of election, and before five o'clock in the afternoon of the last day on which any such nomination paper may by law be delivered.

Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the clerk to the Commissioners.

If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to oe elected.

The provisions of this section shall apply only to the election of Commissioners in the place of those going out of office by rotation.

37. In relation to the Commissioners Clauses Act, 1847, the following provisions shall apply:

Application of 10 & 11 Vict. c. 16.

(1.) The prescribed time for Commissioners to go out of office by rotation shall be the first Wednesday in the month of April

Time for retirement,

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of Commissioners.

in every year, and the Commissioners who but for this Act would go out of office on the first Thursday in September one thousand eight hundred and eighty-one shall continue in office until and shall go out of office on the first Wednesday in April one thousand eight hundred and eighty-two; the Commissioners who but for this Act would go out of office on the first Thursday in September one thousand eight hundred and eighty-two shall continue in office until and go out of office on the first Wednesday in April one thousand eight hundred and eighty-three; and the Commissioners who but for this Act would go out of office on the first Thursday in September one thousand eight hundred and eighty-three shall continue in office until and shall go out of office on the first Wednesday in April one thousand eight hundred and eighty-four; but any Commissioners so going out of office may be re-elected.

Place and time of meeting for election of Commissioners.

(2.) The prescribed place of meeting of persons entitled to vote at the election of Commissioners in the place of those going out out of office by rotation, shall be such office or place within the district as the Commissioners shall from time to time appoint for that purpose, and the prescribed day for holding such meeting shall be the first Wednesday in the month of April in every year.

Time for holding annual meeting.

(3.) The prescribed time for holding the annual meeting of the Commissioners shall be the third Wednesday in the month of April in every year, and the next annual meeting shall be held on the third Wednesday in the month of April one thousand eight hundred and eighty-two, and the Chairman elected at the preceding annual meeting shall go out of office on that day.

Extension of time for closing poll and publication of names of persons elected, &c.

38. Section 28 (mode of voting at elections) of the Commissioners Clauses Act, 1847, shall, as regards the district, be read and apply as if the time for closing the poll at elections of Commissioners were seven of the clock in the afternoon, instead of four of the clock as therein provided, and the presiding officer shall notwithstanding anything in the said Act publish, within three days from the day of such election, (exclusive of any Sunday,) a list of the names of the persons elected; and the voting paper shall be in the form B in the Schedule to this Act (or to the like effect) instead of in the form prescribed by the Commissioners Clauses Act, 1847.

Repeal of proviso to section 11 of 10 & 11 Vict. c. cclviii.

39. The following proviso in section 11 of the Act of 1847, (manner of voting for Commissioners,) is hereby repealed; (that is to say), "Provided always, that no person shall be entitled to vote in "the election of Commissioners, unless he shall be rated under the "provisions of this Act, to the annual value of five pounds."

No person shall be entitled to vote at the election of Commis-

sioners in the place of those going out of office in rotation, unless he has on before the 25th day of March, paid all such improvement rates as have become payable by him in respect of the qualifying property up to the last preceding twenty-ninth day of September.

VII.—Borrowing.

Power to borrow.

40. The Commissioners may from time to time, independently of any other borrowing power, borrow at interest on the security of the Improvement Rate, (and, in relation to moneys borrowed for waterworks purposes or gasworks purposes, upon the security of that rate, and also upon the revenue of their waterworks undertaking, or gasworks undertaking, as the case may be, or either of such securities,) as follows; (that is to say,)

For waterworks purposes any sum or sums not exceeding in the whole the sum of nineteen thousand pounds:

For street improvement any sum or sums not exceeding in the whole the sum of fifteen thousand pounds:

For gasworks purposes any sum or sums not exceeding ten thousand pounds:

And the Commissioners may mortgage the Improvement Rate, and (as the case may be,) the revenue of the waterworks undertaking or gasworks undertaking to secure the repayment of the moneys borrowed with interest.

Power to borrow further sums with approval of Local Government Board.

41. In addition to the moneys which by the last preceding section the Commissioners are authorised to borrow, they may from time to time, with the approval of the Local Government Board, borrow at interest on the securities mentioned in the last preceding section, or any of them, such sum or sums of money as they may require for any of the purposes for which money is by this Act authorised to be borrowed.

Power to re-borrow.

42. If the Commissioners pay off any moneys borrowed by them under this Act, otherwise than by instalments or appropriations, or by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of this Act, they may re-borrow the same, and so from time to time: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys originally borrowed, and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall, for the purpose of section fifteen of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Commissioners, with respect to the sinking fund to be set aside in respect of such moneys, shall not be in any way affected by reason of such re-borrowing.

38 & 39 Vict. c. 83.

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Receiver for mortgagees under 10 & 11 Vict. c. 16.

43. The mortgagees of the Commissioners in respect of mortgages issued in accordance with the provisions of the Commissioners Clauses Act, 1847, may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

Power to borrow under 38 & 39 Vict. c. 83.

44. The Commissioners may, if they think fit, borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act, and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act, 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act.

Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

45. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act, 1875, and in calculating the amount which the Commissioners may borrow under that Act, any sums which they may borrow under this Act shall not be reckoned.

Payment off of money borrowed.

46. The Commissioners shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods, including a sinking fund mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in the manner provided by that Act, within sixty years: Provided nevertheless, that the Commissioners shall not be required to commence the payment off of moneys borrowed under this Act till the first day of January next after the expiration of one year from the date of the borrowing of such moneys.

Investment of sinking fund.

47. The Commissioners may invest any money for the time being standing to the credit of any sinking fund formed by them in pursuance of the provisions of any Act in force in the district in or upon any of the funds or securities which local authorities are under the Local Loans Act, 1875, entitled to invest moneys standing to the credit of any sinking fund formed under that Act.

Annual return to Local

48. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum

is required to be set apart for any sinking fund or appropriated or paid as an instalment under this Act, transmit to the Local Government Board a return, in such form and verified in such manner as that Board may from time to time prescribe, showing the amount which has been paid by instalments or invested for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which the same has been invested, and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period, and the total amount (if any) 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 not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to make any appropriation, or 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 or the interest thereof to any other purposes 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 or applied by the Commissioners as part of the sinking fund, and any such order may be enforced by mandamus to be obtained by the Local Government Board.

Government Board with respect to sinking funds.

49. Money borrowed by the Commissioners under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Application of money borrowed.

50. Nothing in this Act shall prejudicially affect any charge on the improvement rate or the estates and property of the Commissioners subsisting at the passing of this Act, and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed, and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage or charge granted under this Act on the same rate and property.

Saving for existing charges.

51. The Commissioners shall keep separate accounts of their capital and revenue in respect of their waterworks undertaking separate from all their other accounts, and shall apply all money from time to time received by them in respect of their waterworks undertaking except borrowed money and money properly applicable on capital account, as follows:

Application of water revenue.

In payment of the expenses properly chargeable to revenue of

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conducting, managing, and maintaining the waterworks and otherwise carrying on the water undertaking of the Commissioners;

In payment of the interest upon money borrowed under the provisions of this Act for waterworks purposes;

In providing the requisite instalments or sinking fund under this Act in relation to moneys borrowed for waterworks purposes;

and shall carry to the Improvement Rate any balance remaining in any year.

Deficiency of funds of waterworks.

52. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon and the execution of this Act in relation to the water undertaking, the deficiency shall be made up out of the improvement rate by carrying an adequate sum therefrom to the credit of the water account, and the Commissioners from time to time in preparing the estimates of the amount required in their judgment, to be raised by means of an improvement rate for the purposes of the district, may include therein such sums respectively (if any) as in the judgment of the Commissioners are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account, and shall collect the same as part of such improvement rate.

Limits in 30 & 31 Vict. c. lxxxviii. s. 40 not to apply for purposes of this Act.

53. The limits imposed by section 40 of the Act of 1867 on the improvement rate which the Commissioners are authorised to levy, either with or without the consent of the ratepayers, shall not apply to so much of the rate as is required to be levied for the purpose of making up any deficiency in the water account or for the purpose of defraying any expenses incurred by the Commissioners in the execution of this Act.

Recovery of rates, &c.

54. The Commissioners may recover any rate, rent, rentcharge, or assessment due to them by the like means and in the like manner as poor rates are recoverable by any authority or person entitled to recover the same, or by action in any court of competent jurisdiction, and in any proceedings for the recovery thereof, the Commissioners shall be entitled, when successful, to full costs of suit.

Accounts to be made out and audited under Public Health Acts alone.

55. Sections 90, 91, 92, 93, 94, and 95 of the Commissioners Clauses Act, 1847, shall cease to apply to the accounts of the receipts and expenditure of the Commissioners, and after the passing of this Act such accounts shall be made out and audited in accordance with the provisions in that behalf contained in the Public Health Acts in the same manner as the accounts of an urban sanitary authority (not being the council of a borough) are audited under those Acts.

Meeting of ratepayers to authorise increase of rate.

56. The consent of the ratepayers to the increase of the improvement rate from four shillings in the pound to any sum not exceeding five shillings in the pound, as provided by section 31 of the Act of 1847 as amended by section 40 of the Act of 1867, shall be expressed by resolution passed at a meeting of the ratepayers called by the Commissioners at such time and place as they shall appoint, of which meeting and the time and place of holding the same, and the object thereof, at least seven clear days notice shall be given by the clerk of the Commissioners by public advertisement in some newspaper published or circulating in the district, and by placards affixed on or near to the doors of all churches and chapels within the district.

Authentication of notices.

57. Any summons, demand, or notice, or other such document to be given by the Commissioners under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Commissioners, the signature thereof by the clerk of the Commissioners shall be a sufficient authentication.

Expenses of Act.

58. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners in the first instance out of the improvement rate, and ultimately out of the moneys to be borrowed under the powers of this Act.

THE SCHEDULE.

Form A.

Nomination Paper.

District of Bingley.

Election of Commissioners for the District of Bingley, to be held on the day of 18 .

I, the undersigned, being a person entitled to vote at the election of Commissioners, hereby nominate the following person [*or* persons] as a candidate [*or* candidates] at the said election.

Surname.	Other Names.	Abode.	Description.

(Signed) A. B.

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FORM B.

Voting Paper.

District of Bingley.

Name and Address of Voter.	No. of Votes.

DIRECTIONS TO THE VOTER.

The voter must write his initials against the name of every person for whom he votes, and must sign this paper.

If the voter cannot write he must affix his mark against the name of every person for whom he intends to vote.

N.B.— Voters must not vote for more than of the persons nominated, but they may vote for a less number.

Initials or Mark of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated as Commissioners.	Residence of the Persons nominated.	Quality or calling of the Persons nominated.	Description of Property.	Names of the Nominators.

I vote for the persons named in the above list against whose names I have placed my initials or mark.

Signed _____

(or) the mark of _____

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.