CHAPTER cxxxiii.

An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the west riding of the county of York, to construct and maintain additional works for the storage and supply of Water; to enlarge the time for completing waterworks already authorised; to construct and maintain additional works for the storage and supply of Gas; to effect public improvements; and for other purposes. [4th July 1878.]

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WHEREAS by the Bradford Waterworks Act, 1854, and the Bradford Corporation Waterworks Act, 1854, or one of them, the Bradford Waterworks Company were re-incorporated for supplying water within the limits of that Act, and for maintaining their then existing waterworks, and for making and maintaining additional waterworks, and the mayor, aldermen, and burgesses of the borough of Bradford (in this Act called "the Corporation") were authorised and required to purchase and the Bradford Waterworks Company were authorised and required to sell the company's waterworks, and the company's waterworks were accordingly sold to and purchased by the Corporation, and became and are vested in them:

17 & 18 Vict. c. cxxiv. 17 & 18 Vict. c. cxxix.

And whereas by the last-mentioned Act and by the Bradford Corporation Waterworks Amendment Act, 1855, the Bradford Corporation Waterworks Act, 1858, the Bradford Waterworks Act, 1862, the Bradford Corporation Act, 1866, the Bradford Waterworks and Improvement Act, 1868, the Bradford Waterworks Act, 1869, the Bradford Improvement Act, 1873, and the Bradford Waterworks and Improvement Act, 1875, (all of which Acts are herein-after referred to as "the recited Acts,") the Corporation have been authorised to enlarge their works for collecting and impounding water, and to supply not only the borough of Bradford (in this Act called "the borough"), but a large number of surrounding districts; and the total amount of money authorised to be

18 & 19 Vict. c. clii. 21 & 22 Vict. c. lxxvi. 25 & 26 Vict. c. xviii. 29 & 30 Vict. c. ccxxii. 31 & 32 Vict. c. cxl. 32 & 33 Vict. c. cxxxv. 36 & 37 Vict. c. clxvii. 38 & 39 Vict. c. lxxx.

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borrowed for the waterworks purposes of the Corporation is one million six hundred thousand pounds:

And whereas the Corporation have not been enabled to complete all their waterworks within the time prescribed for that purpose, and they therefore require an extension of such time to complete such works:

And whereas at a reservoir authorised to be made by the Corporation at a place called Thornton Moor they cannot obtain a sufficient supply of water for want of sufficient works for that purpose, and it is expedient that the Corporation should be authorised to make additional works for conveying water to such reservoir from part of their gathering ground:

And whereas it is expedient that the Corporation be empowered to construct additional works and lay down additional conduits and mains in connexion with other portions of their water supply:

34 & 35 Vict. c. xciv.

And whereas by the Bradford Corporation Gas and Improvement Act, 1871, and the recited Acts of 1873 and 1875, or some or one of them, the Corporation were empowered to purchase the undertaking of the Bradford Gaslight Company, and the said company were empowered to sell the same to the Corporation, and such purchase was duly carried into effect, and the borough gasworks became and are now vested in the Corporation, and the Corporation were also empowered to construct and maintain additional gasworks:

And whereas, in consequence of the increased demand for gas in the borough, additional works are required for the storage of gas and the distribution thereof, and it is expedient that the Corporation should be enabled to construct additional works for such purposes:

And whereas the total amount of money authorised to be borrowed for the gasworks of the Corporation is five hundred and ten thousand pounds:

13 & 14 Vict. c. lxxix.

And whereas by the Bradford Improvement Act, 1850, and the recited Acts of 1873 and 1875 the Corporation were empowered to effect various public street improvements in the borough, but the funds provided for those purposes are found to be insufficient, and it is expedient that the Corporation should be empowered to raise additional moneys for such purposes:

And whereas other public improvements are required in the borough, and it is expedient that the Corporation should be authorised to make the same:

And whereas the total amount of money authorised to be borrowed for street improvement purposes is four hundred thousand pounds:

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And whereas by the recited Acts of 1868 and 1875 the Corporation are empowered to acquire lands for and to establish public recreation grounds, but the funds provided for those purposes are found to be insufficient, and it is expedient that the Corporation should be empowered to raise additional moneys for such purposes:

And whereas the total amount of money authorised to be borrowed for purposes of recreation grounds is one hundred and thirty-five thousand pounds:

And whereas the Corporation as the urban sanitary authority of the borough are desirous of making better regulations for improving the sanitary condition of the borough, and also respecting the erection and alteration of buildings, and to make further provisions for promoting the convenience of the inhabitants and for other public purposes:

And whereas it is expedient that further powers should be conferred on the Corporation respecting the sale of surplus lands acquired by them, but not required for public purposes:

And whereas plans and sections of the intended works and improvements showing the lines and levels thereof, and plans showing the lands which are intended to be purchased and taken for the purposes of this Act, with 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 those lands respectively, have been deposited with the clerk of the peace for the west riding of the county of York, which plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purposes aforesaid:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

	£
For waterworks - - - -	140,000
For recreation grounds - - -	15,000
For street improvements and other works -	300,000

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

And whereas the Corporation, forthwith after the council meeting at which the application to Parliament for this Act was agreed on,

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did in pursuance of section 37 of the Bradford Waterworks and Improvement Act, 1868, publish notice of such intended application as required by the Bradford Improvement Act, 1850, and no remonstrance against such application has been presented to the Corporation :

31 & 32 Vict. c. cxl.
13 & 14 Vict. c. lxxix.

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

Short title.

1. This Act may be cited as the Bradford Water and Improvement Act, 1878.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, 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,) the Waterworks Clauses Act, 1863, the Gasworks Clauses Act, 1847, (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit,) shall (except where expressly varied by this Act, and so far as such Acts are applicable to the purposes of this Act and are not inconsistent therewith) be incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the existing gas undertaking of the Corporation as if the same were hereby authorised.

Interpretation of terms.
38 & 39 Vict. c. 55.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act, or by the Public Health Act, 1875, meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in the Acts incorporated herewith the expression "the undertakers" or "promoters of the undertaking" shall mean the Corporation; the expression "the Municipal Corporation Acts" shall mean the Act of the fifth and sixth years of King William the Fourth, "To provide for the "regulation of Municipal Corporations in England and Wales," and Acts amending the same or otherwise relating to municipal corporations in England; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Mode of execution of Act. 34 & 35 Vict. c. xciv.

4. This Act and (so far as they relate to the water and gas undertakings of the Corporation) the recited Acts, and the Bradford Corporation Gas and Improvement Act, 1871, shall be carried into execution by the Corporation acting by the Town Council of the borough (herein called the Council), or any committee thereof duly appointed in that behalf and according to the Municipal Corporation Acts and the Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, duties, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts and the Public Health Act, 1875, respectively, and (subject to the provisions of this Act and the Acts aforesaid) as nearly as may be in all respects as if the rights, powers, duties, privileges, exemptions, and authorities vested in, imposed on, or enjoyed by the Corporation by or under this Act and the Acts aforesaid were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts and the Public Health Act, 1875, respectively.

38 & 39 Vict. c. 55.

Power to make additional waterworks, &c. according to deposited plans.

5. Subject to the provisions of this Act, the Corporation may make, construct, and maintain the waterworks shown on the deposited plans and sections, in the line and according to the levels shown on the said plans and sections, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The waterworks herein-before referred to and authorised by this Act are:

1. A reservoir, to be constructed partly by excavation and partly by embankment, for the better settling and straining of water, together with all necessary straining or settling basins, receptacles, works, pipes, overflows, and valves connected therewith, in the parish and township of Bingley:
2. A reservoir, to be constructed partly by excavation and partly by embankment, for the storage and distribution of water at Bradford Moor:
3. A reservoir, to be constructed partly by excavation and partly by embankment, for the storage and distribution of water in the township of Idle and parish of Calverley:
4. A reservoir, to be constructed partly by excavation and partly by embankment, for the storage and distribution of water in the township of Heaton and parish of Bradford:

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5. An aqueduct, conduit, or water main, commencing by a junction with the existing water main of the Corporation at a point in the highway known as Otley Road opposite the inn known as the "Green Man" at Undercliffe, in the township of Bradford and parish of Bradford, and terminating at the proposed new reservoir thirdly above described:

6. An aqueduct, conduit, or water main, commencing by a junction with the existing water main of the Corporation at Daisy Hill Top, in the township of Manningham and parish of Bradford, and terminating at the proposed new reservoir fourthly above described on the south side thereof:

7. An aqueduct, conduit, or water main, commencing by a junction with the existing water main of the Corporation in Rutland Street, Wakefield Road, in the township of Bowling and parish of Bradford, opposite the southern corner of the buildings known as "Victoria Mill," and terminating by a junction with an existing water main of the Corporation under the bridge which carries the railway sidings of the Bowling Dye Works:

8. An aqueduct, conduit, or water main, commencing in the township of Heaton and parish of Bradford, at or near the northern corner of the existing Heaton reservoir of the Corporation, and terminating by a junction with an existing water main of the Corporation near Bunker's Hill on the Leeds and Bradford turnpike road, otherwise known as Barkerend Road:

9. An aqueduct or conduit, commencing in the township of Haworth and parish of Bradford, and terminating in the hamlet of Near Oxenhope, in the same township and parish:

10. A conduit or portion of conduit in the township of Barden and parish of Skipton, for effecting an alteration and deviation of the line of a portion of an existing conduit of the Corporation:

11. A water meter house, with all necessary works connected therewith, situated in the township of Heaton, in the parish of Bradford, on lands at the south-east of and immediately adjoining the embankment of the existing reservoir of the Corporation, known as the Lower Chellow Dean Reservoir:

together with all necessary embankments, roads, sluices, valves, byewashes, and works and conveniences connected therewith.

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Powers of deviation.

6. It shall be lawful for the Corporation in the construction of the said reservoirs and other works to deviate from the lines and levels delineated on the deposited plans and sections to the extent defined in such plans and sections, and also to stop up, alter, or divert, whether temporarily or permanently, all such roads, streams, highways, pipes, and aqueducts within the limits of deviation shown on the deposited plans as it may be necessary to stop up, alter, or divert for the purpose of constructing, maintaining, and using all or any of the reservoirs or other works by this Act authorised: Provided always, that the Corporation shall not, in the exercise of the powers of lateral deviation hereby given, make any embankment or wall of any of the reservoirs by this Act authorised of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall and three feet in addition.

For protection of the Bradford Canal Company, Limited.

7. For the protection of the Bradford Canal Company, Limited, (in this Act called "the Canal Company,") the following provisions shall have effect; (to wit,)

(*a.*) The aqueduct, conduit, or water main (being the waterwork numbered 8 authorised by this Act) shall be carried over the canal and towing-path of the Canal Company, and any approaches thereto, by means of a good and substantial bridge of brick, stone, wood, or iron, to be constructed by the Corporation at their own expense:

(*b.*) The said bridge shall be constructed with perpendicular abutment walls, and its opening or span shall span over the entire width of the canal and towing-path, and the clear height of the underside of the arch or (as the case may be) beams or girders of the bridge above the top-water level of the canal shall throughout the whole breadth of the span be not less than eleven feet:

(*c.*) The space between the abutments of the said bridge (except so much thereof as the towing-path will occupy) shall at all times after the completion of the bridge (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway:

(*d.*) The Corporation shall at their own expense maintain the said bridge and the works thereof of the height and width aforesaid and in perfect repair at all times:

(*e.*) The Corporation shall, subject to the proviso herein-after contained, make good all damage that may be occasioned to the works or property of the Canal Company by the construction, renewal, or want of repair of any of the works of

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the Corporation, but if for seven days after notice in writing thereof given to the Corporation by the Canal Company the Corporation neglect to proceed with due diligence to make good such damage, the Canal Company may, if they think fit, make good the damage, and the amount expended by them in so doing shall be repaid to them by the Corporation:

(*f.*) The Canal Company shall be entitled to recover from the Corporation any special damage that may be sustained by the Canal Company in consequence of the works to be executed by the Corporation, or by the Canal Company for the Corporation, under the provisions herein-before contained, or on account of any other act or omission of the Corporation, subject nevertheless to the proviso herein-after contained:

(*g.*) If and whenever any damages or other sums payable by the Corporation to the Canal Company are not paid on demand made on the town clerk of the Corporation, the same may, together with costs of suit, be recovered against the Corporation in any court of competent jurisdiction:

(*h.*) All questions which may at any time arise between the Corporation and the Canal Company as to the construction or effect of this section, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall, in the event of difference, be determined by an arbitrator to be appointed by the Corporation and the Canal Company, or if for fourteen days after notice from either of the parties they do not agree upon an arbitrator, then by some person to be named by the Board of Trade, upon the application in writing of both or either of those parties; and the decision of every such arbitrator shall be binding and conclusive upon both the parties in difference, and the costs of the arbitration shall be in his discretion:

(*i.*) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Canal Company:

(*k.*) Provided always, that (save as is by this section expressly provided) nothing herein contained shall in anywise prejudice or affect all or any of the rights, powers, and privileges of the Corporation which are contained in the Bradford Canal

34 & 35 Vict. c. clv.

Act, 1871, on their behalf, or all or any of the obligations therein contained and imposed on the Canal Company, but the same shall in all respects be in full force as if herein re-enacted.

Compensation for injury by waterworks.

8. The Corporation shall from time to time make full compensation to all persons for all damage and injury, losses, and expenses whatsoever (if any), as well immediate as consequential, which they respectively from time to time incur or suffer by reason of the bursting or giving way of the waterworks by this Act authorised, and such compensation shall be charged upon and be raised by and paid and satisfied out of the borough fund and borough rate of the borough.

Protection of landowners in respect of water for agricultural and domestic purposes.

9. If on the completion of the waterworks hereby authorised there shall not remain or flow to and through any lands situated below the said works, or any of them, which are now watered by any stream running through the same or adjacent thereto affected by the said works, such a quantity of water as may be necessary for domestic and agricultural purposes, the Corporation shall, whenever it may be practicable so to do, furnish from time to time and at all times so much water as may be necessary for such purposes free from all rates, costs, and charges in respect of such water, and shall lay down at their own cost all such pipes, conduits, troughs, cisterns, taps, and apparatus as may be requisite for conveying and continuing the same; and in case the same shall not be practicable, then the Corporation shall pay to the owners and occupiers of such lands full compensation for the loss and injury they may respectively sustain by reason of such diversion of such water.

Provisions of recited Acts as to waterworks to extend to this Act.

10. Such of the powers and provisions of the recited Acts relating to the construction of waterworks, and the taking and user of land for the purposes thereof, the supply of water by the Corporation, the protection of the waters and waterworks of the Corporation, the prevention of waste of water, the dealing summarily with persons wrongfully wasting water, the opening of streets, and laying down of mains, pipes, apparatus, and works for supplying water within the Corporation limits of supply, and the application of penalties as are in force at the passing of this Act, and are not repealed or varied by this Act, shall extend and apply to this Act and to the waterworks by this Act authorised, and the supply of water therefrom, as if they were waterworks by the recited Acts respectively authorised to be executed within the period limited for the completion of the waterworks by this Act authorised.

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Construction of gasworks.

11. Subject to the provisions of this Act, the Corporation may enter upon the lands shown on the deposited plans, and may upon such lands construct and maintain gasworks for storing and supplying gas within the limits of the Corporation for the supply of gas. Such lands are as follow:

1. On lands and hereditaments known as Bendigo Fold, situate on the western side of Planetrees Road, and on the north-eastern end of Pease Street, extending along Planetrees Road northwards from such last-named street seventy-five yards or thereabouts, which said lands are situate wholly in the township and parish of Bradford:

2. On lands and hereditaments forming the north-eastern side of Campbell Street, extending along the centre of such street from Cartmell Street to Pease Street, and bounded on the north by the centre of Cartmell Street for the whole length thereof, and on the south by the centre of Pease Street, extending in such last-named street from Campbell Street eastward sixty-six yards or thereabouts, all in the township and parish of Bradford.

Gas not to be manufactured except on lands scheduled.

12. No lands shall be used by the Corporation for the purpose of manufacturing gas or residual products, except the lands described in the First Schedule to this Act; and as to the land known as the Shearbridge Station, and described in the said schedule, nothing in this or the recited Acts shall confer upon the Corporation any power or authority to use the said land in any way in contravention or breach of the covenants entered into with Francis Sharp Powell by the Bradford Gaslight Company, in the conveyance of the said land, or some part thereof, from the said Francis Sharp Powell to the said company.

Amendment of 34 & 35 Vict. c. xciv. s. 20 as to storage of gas.

13. The proviso contained in the section numbered twenty in the Bradford Corporation Gas and Improvement Act, 1871, is hereby repealed so far as relates to the storage of gas or the residual products of gas.

Provision as to construction of gasworks and laying down mains.

14. Save as is otherwise enacted in this Act, all the powers and provisions of the recited Acts, so far as they relate to the making and maintenance of gasworks and the laying of mains, pipes, and branches, and the supply of gas, shall extend to and be applicable to the works hereby authorised.

As to payment for gas.

15. Where the Corporation shall deem it necessary so to do, it shall be lawful for them to fix the period for the payment for gas supplied at short intervals, and to refuse to supply gas unless

the estimated cost thereof in such period be prepaid; at the end of each such interval of time the Corporation shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied.

As to street improvements.

16. Subject to the provisions of this Act, the Corporation may from time to time hereafter, in the line and within the limits of deviation and according to the levels shown on the deposited plans and sections, make and execute the several improvements in the streets and highways in the borough herein-after mentioned, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The street improvements hereinbefore referred to and authorised by this Act are:

1. A new public highway in the borough, commencing in the township of Bolton and parish of Calverley at Stanley Road, at the point where the same is joined with Armgill Lane, and extending thence across and over the canal, banks, towing-path, and works of the Bradford Canal Company, Limited, terminating in the said township of Bolton at the road recently laid out by the Corporation, leading from Bolton Lane to the sewage defœcation works of the Corporation, at a point four hundred and sixty-six yards or thereabouts north of the north-west corner of Midland Terrace in the said township of Bolton. The footpath between Midland Terrace and the byewash at the south-west end of the Frizinghall Milldam shall be stopped up so soon as the above-mentioned new public highway shall have been made and completed:
2. Altering, widening, and improving the several streets and places or parts thereof in the parish of Bradford as follows; namely,

   (*a.*) In the township of Horton, the western side of Nelson Street from Chapel Lane to Hope Street, the western side of Lower Kent Street from Hope Street to Clarence Street, the north and south sides of Nelson Court, the north and south sides of Fawcett Court, the north and south sides of Fawcett Row, the north and south sides of Hope Street, the south side of Kent Street, the north-west side of Union Street:

   (*b.*) In the township of Bradford, the eastern side of Manningham Lane and adjacent to the north-western end of Springfield Place, the northern side of Leeds Road, and the north-eastern end of Bower Green.

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Period for compulsory purchase of land.

17. The powers of the Corporation under this Act for the compulsory purchase of land for the purposes of this Act shall not, as to reservoirs, conduits, and other waterworks, be exercised after the expiration of three years, and as to all other works after the expiration of five years from the passing of this Act.

Extension of time for completing waterworks. 31 & 32 Vict. c. cxl. 32 & 33 Vict. c. cxxxv.

18. The time for the completion of the waterworks authorised by the Bradford Waterworks and Improvement Act, 1868, and the Bradford Waterworks Act, 1869, shall be enlarged and extended for the further period of ten years from the passing of this Act.

As to lamp rate.

19. It shall not be necessary for the Corporation hereafter to make a separate lamp rate or other rate for the purpose of lighting the streets of the borough, but all moneys required by the Corporation for such lighting shall and may be included in and form part of the general district rate.

Provision for the improvement of the sanitary condition of the borough.

20. Whereas many dwelling-houses in the borough are in confined situations and without sufficient open space at the rear or side thereof for the purposes of ventilation, and are in consequence thereof prejudicial to health, but sufficient space might be obtained if outbuildings which are erected in connexion therewith were removed or other external alterations of the premises were made: Therefore it shall be lawful for the Council in any such case to give notice to the owner of the dwelling-house, requiring him within six months to remove any such outbuildings or any parts thereof, or to make such other alterations as may be necessary for securing open space for ventilation, and to pave or flag the surface of any open space which may be thus made to the satisfaction of the Council. The open space so to be required as aforesaid shall in no case be greater than the area specified in the building regulation numbered six in the Fourth Schedule to the recited Act of 1871, except by consent of the owner. In all cases where the Council shall exercise the power contained in this enactment they shall make compensation to the owner of the dwelling-houses thereby affected for any damage or injury sustained by him by reason of the exercise of such power. In the event of difference as to the amount of such compensation the same shall be settled and determined by any two justices acting in and for the borough, not being members of the Council, in accordance with the provisions contained in the sections numbered twenty-two and twenty-four in the Lands Clauses Consolidation Act, 1845. Any owner after such notice failing to comply therewith shall be liable to a penalty not exceeding twenty shillings for every day after the expiration of six months during which such outbuilding or parts thereof shall remain without being removed. If the dwelling-house be let for a period which cannot be determined

8 & 9 Vict. c. 18.

by the owner within the aforesaid period of six months, or within such further period as the owner and the Council may agree upon for executing the works, then the Council shall, in like manner as herein provided with respect to compensation to the owner, make compensation to the tenant for any damage or injury he may sustain by reason of the exercise by the Corporation of the aforesaid powers, such compensation in the event of difference to be determined in like manner as in the case of an owner's compensation. The expenses of carrying out this enactment shall be chargeable upon and paid out of the borough fund and borough rate of the borough.

For protection of the public health in the erection of buildings.

21. Whereas many old quarries, excavations, and places in the borough have been or may hereafter be filled up with refuse, some of which is of an offensive character, and dwelling-houses have been and may be erected upon such filled-up materials to the injury of the public health: Therefore it shall be lawful for the Council when any plan of a building intended for human habitation is submitted to them for approval, and such building is proposed to be erected on filled-up material, to require, if they shall deem it necessary so to do, that there shall be deposited and left between the upper surface of the said filled-up material and the lower surface of the whole ground-floor of such building one foot in depth of solid lime concrete, and all foundation walls shall be covered at the level of the concrete with a course of rock asphalte half an inch thick, or other material impervious to air and water. If the Council shall determine to make such requirements no person shall after notice thereof proceed to erect any such building, except for the foundation walls thereof, until such bed of concrete and covering of the foundation walls have been laid to the satisfaction of the borough surveyor for the time being of the borough, or until after forty-eight hours notice thereof to him, exclusive of Sunday, Christmas Day, or any day for public fast or thanksgiving, that such bed of concrete is laid, requiring him to inspect the same, and he shall have failed to inspect the same or to object thereto after such inspection. Any person acting in contravention of this enactment shall be liable to a penalty not exceeding ten pounds, and a further penalty not exceeding five pounds for every day during which such offence shall continue, such penalty to be recoverable by summary proceeding before any two justices of the peace acting in and for the borough. Unless notice as aforesaid has been given to the borough surveyor, the offence, if any, shall be deemed to have been committed on the day when the borough surveyor first detects the same.

Penalty.

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Amendment of building regulations in Act of 1871.

22. The building regulations contained in the Second Schedule to this Act shall take effect in the same manner as if they had been formally inserted in the body hereof. They shall be deemed and taken as amendments of the regulations contained in the Fourth Schedule to the recited Act of 1871, and shall be subject to the same interpretation of terms as therein expressed. All acts done or omitted in contravention of the regulations in the said Second Schedule shall (unless otherwise provided) be subject to the same penalties as are prescribed in like or similar cases in the said Fourth Schedule and be recoverable in like manner. In any proceeding for the recovery of any such penalty it shall be sufficient to allege that the offence has been committed either against the recited Act of 1871 or this Act, or both of them.

As to licensing conductors of omnibuses.

23. The provisions contained in the sections numbered thirty-two, thirty-three, and thirty-four in the recited Act of 1868 as to the licensing of drivers of hackney carriages shall extend to and include the conductors of omnibuses.

Provision as to access to premises for purposes of scavenage.

24. Where a privy or ashpit within the borough has no sufficient means of approach for the purposes of scavenage, either by cart or wheelbarrow, it shall be lawful for the Council, by notice signed by the town clerk for the time being, to require the owner of such privy or ashpit within a time to be named in such notice, not being less than twenty-eight days, to make such means of approach thereto to the satisfaction of the Council. In any notice to be given under this enactment, or under the section numbered twenty-one in the recited Act of 1873, it shall not be necessary to state the detail of the work required to be executed, but it shall be sufficient to state the same generally. Every person failing to comply with such notice shall be subject to the same penalties as are prescribed in the said twenty-first section of the recited Act of 1873 for offences therein mentioned: Provided always, that if it shall be necessary for providing means of approach for scavenage as aforesaid that any house or building should be pulled down the Corporation shall make compensation for any damage or injury consequent thereon, such compensation to be settled and determined in the same manner as is directed in and by this Act with respect to the removal of buildings for the purposes of ventilation; but no such compensation shall be recoverable or be allowed under this enactment unless notice be given to the Corporation by the person or persons requiring compensation, fourteen days at least before any such house or building is pulled down, that such pulling down will be necessary. The Corporation shall be at liberty at any time within such fourteen days to decline to incur the cost by notice in

writing to the person or persons requiring the compensation as aforesaid, and thereupon all further proceedings under this enactment shall be discontinued.

As to service of notices. 38 & 39 Vict. c. 55.

25. The provisions contained in the sections numbered two hundred and sixty-six and two hundred and sixty-seven of the Public Health Act, 1875, as to notices and other documents and the service thereof shall extend and apply to any notice, order, demand, or document given or served under the authority of this Act, or any of the recited Acts.

Recovery of penalties.

26. All fines under this Act shall be recoverable in a summary manner before two justices, and the moneys arising thereby shall be paid to the treasurer of the borough to the credit of the borough fund.

Corporation may take additional lands by agreement.

27. For the purposes of the waterworks, gasworks, public parks, and recreation grounds, street improvements, and other works authorised by this Act, the Corporation may by agreement take, use, and hold any lands, hereditaments, and premises required for the purposes of this Act, not exceeding five acres, other than those described in the deposited book of reference.

Notice to be given of taking houses of labouring classes.

28. The Corporation 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 the Corporation 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. Before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of a house which the Corporation are by this Act authorised to acquire, the Corporation shall procure for such person or persons sufficient accommodation elsewhere (unless the Corporation and such person or persons shall otherwise agree): Provided that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Corporation may for the purpose of procuring such accommodation appropriate any lands belonging to them or which they have power to acquire, and may purchase by agreement other lands, and may on such lands erect labouring-class dwellings, and may apply for the purposes of this section any moneys they may have raised or are authorised to

Accommodation to be procured before displacement.

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raise, or they may sell or let on building lease any such lands for the purpose of erecting such dwellings.

For facilitating sale of surplus lands.

29. All the powers and provisions contained in the recited Acts, or any of them, relating to the sale by the Corporation of any lands acquired by them and not required for public purposes, or to the leasing or letting thereof, and to the sale of any reversionary interest of the Corporation, shall extend to and include all surplus lands now or at any time hereafter held by the Corporation and not so required as aforesaid. The Corporation may, in addition to any other powers of dealing with such surplus lands, from time to time grant renewable leases thereof or parts thereof, and may charge fees, dues, and fines on renewals upon such scale as they may deem just and reasonable. So long as any properties remain to be acquired by the Corporation under the authority of Parliament the Corporation may, so far as they consider necessary, apply moneys received by them on re-sale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired, but as to moneys so received and not required as aforesaid the same shall be applied in extinguishment of any loan borrowed by the Corporation.

Amendment of 38 & 39 Vict. c. lxxx. s. 35 as to recovery of moneys.

30. Whereas by the section numbered thirty-five of the Bradford Waterworks and Improvement Act, 1875, the Corporation are empowered to recover money from any owner who may be found by the Corporation in possession of the lands, hereditaments, and premises in respect whereof a debt has accrued to the Corporation for private improvement expenses, and against which lands, hereditaments, and premises a charge has been duly registered, but no provision is made as to the mode of procedure for the purpose of such recovery: Therefore it shall be lawful for the Corporation to give notice of such charge at any time after such registration to the owner of any lands, hereditaments, and premises so charged, or to the person in actual receipt of the rents thereof, demanding payment of the moneys due, and if for the period of thirty days after such demand such owner or person shall fail to pay such moneys, or make satisfactory arrangement with the Corporation for payment thereof, the charge so registered shall be deemed and taken to be an actual mortgage debt due from such owner or person in respect of such lands, hereditaments, and premises, and may be enforced by action for the money or for foreclosure and sale either in the High Court of Justice or in the county court holden in and for the borough, as the Corporation may think fit: Provided always, that nothing herein contained shall operate to create against any person having only a limited interest in the property chargeable with the said money any greater personal liability than at present subsists, or in

any way to abridge or interfere with the power of the Corporation to grant time for payment to a tenant for life, but this provision shall in no way affect the remedy of the Corporation by way of foreclosure.

Power to raise additional money on security of rates.

31. In addition to the moneys which the Corporation are already authorised to borrow, the Corporation may from time to time borrow for the purposes of this Act on the security of the borough fund and borough rate the further sum of one hundred and forty thousand pounds for the purpose of waterworks, the further sum of fifteen thousand pounds for the purpose of public parks and recreation grounds, and the further sum of three hundred thousand pounds for street improvements and other purposes by this Act authorised.

Borrowing powers continued.

32. The several powers and provisions of the Acts now in force in the borough with respect to the borrowing of moneys at interest by the Corporation for the purposes of those Acts, or any of them, the re-borrowing of moneys, the securities to be given for moneys borrowed and interest thereon, the giving of notices for the repayment of moneys borrowed, the payment of such interest by coupons, the granting of annuities, and the appointment of a receiver shall extend and apply to all moneys borrowed by the Corporation under this Act, and the interest payable thereon, as if those moneys were part of the moneys by the said Acts authorised to be borrowed by the Corporation, and the provisions contained in the recited Act of 1868 as to providing a sinking fund with respect to moneys authorised to be borrowed under that Act for the purposes of waterworks shall extend to all the 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 1868: Provided that the payments to be provided by way of sinking fund as to money borrowed for public parks, recreation grounds, street improvements, and purposes other than waterworks shall commence from the first day of January one thousand eight hundred and seventy-nine, and as to money borrowed for waterworks shall commence from the first day of January one thousand eight hundred and eighty-nine.

Existing mortgages to have priority.

33. All mortgages and debentures granted by the Corporation before the passing of this Act in pursuance of any Act of Parliament subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages, debentures, and annuities granted under this Act.

Power to levy rates.

34. All expenses and other moneys by this Act directed to be charged upon or paid out of the borough fund and borough rate of the borough, and all moneys borrowed under this Act on the credit

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of the borough fund and borough rate, and the interest thereon, shall be raised by and paid and satisfied out of the borough fund and borough rate of the borough as if the same were expenditure necessarily incurred in executing with reference to the borough the Municipal Corporation Acts: Provided always, that as regards all rates to be laid for all or any of the purposes of this Act, the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, and of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and of any land covered with water or used only as a canal or towing-path, and the owner of any tithes or tithe commutation rentcharge shall be assessed to such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

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

35. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any other purpose than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Corporation not exempt from proceedings for nuisances.

36. Nothing in this Act shall exempt the Corporation from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them.

The SCHEDULES referred to in the foregoing Act. A.D. 1878.

THE FIRST SCHEDULE.

Lands forming the Site of the existing Gasworks of the Corporation.

All that piece of land known as the Mill Street Station, containing eleven thousand three hundred and ninety square yards, including the portion set out for the improvement of streets, part of such land, comprising ten thousand three hundred and forty-one yards, being held in fee, and the residue, comprising one thousand and forty-nine yards, being leasehold, for an unexpired term of nine hundred and ninety-nine years, commencing in one thousand eight hundred and twenty-five, situate at or near Mill Street, Leeming Street, North Brook Street, and North Holme Street in the borough.

All that piece of land known as the Thornton Road Station, containing fifteen thousand nine hundred and eighty-eight square yards, including the portion set out for the improvement of streets, being held in fee, situate at or near Thornton Road and Lister Hills Road in the borough.

All that piece of land known as the Valley Road Station, containing forty-five thousand nine hundred and forty square yards, part of such land, comprising twenty-four thousand two hundred and eighty-two yards, being held in fee, and the residue, comprising twenty-one thousand six hundred and fifty-eight yards, being leasehold, for an unexpired term of nine hundred and ninety-nine years, created in one thousand eight hundred and sixty-eight, situate in Valley Road in the borough.

All that piece of land known as the Shearbridge Station, containing fourteen thousand eight hundred and ninety-seven square yards, being held in fee, situate at or near Shearbridge in the borough.

All those pieces or parcels of land, containing twenty acres and six perches, situate between Bowling Back Lane and the Leeds and Halifax Branch of the Great Northern Railway, in the borough, and bounded by a line commencing on the eastern side of Birksall Lane, at a point one hundred yards or thereabouts south of the said branch of the said railway, extending thence in an easterly direction to a road called Plane Trees Road, at a point sixty-five yards south of the said branch railway, extending thence in a southerly direction at the side of the Plane Trees Road aforesaid for a distance of sixty yards or thereabouts, extending thence in a westerly direction to Birksall Lane, at a point sixty yards or thereabouts in a northerly direction from the junction of the said last-named lane with Bowling Back Lane, and extending thence along the eastern side of Birksall Lane aforesaid to the point first above mentioned, all which pieces or parcels of land are situate in the parish of Bradford.

All those pieces or parcels of land, containing ten acres one rood and seventeen perches, situate at or near a place known as Brownroyd, in the borough, and bounded by a line commencing at a point thirty yards in a southerly

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direction from the western end of a street called or known as Duncombe Street, extending thence in an easterly direction parallel with Duncombe Street aforesaid sixty-five yards or thereabouts, extending thence along the western and southern side of a reservoir belonging or reputed to belong to the Corporation, called or known as Brownroyd Reservoir, and thence to the western side of a street called or known as Brownroyd Street, at a point one hundred and sixty yards or thereabouts south from the junction of such last-named street with Duncombe Street, extending thence in a southerly direction along the western side of Brownroyd Street aforesaid for the distance of seventy yards or thereabouts, extending thence in a westerly direction along the northern side of the new street now in course of formation to a point one hundred and thirty-five yards or thereabouts west of the northern end of Princeville Street, and extending thence in a northerly direction to the point above mentioned as the commencement of the boundary of the lands now being described, all which pieces or parcels of land are situate in the townships of Horton and Manningham, or one of them, in the parish of Bradford.

THE SECOND SCHEDULE.

Building Regulations.

1. In fixing the maximum width of any new street under the regulation numbered 1 in the Fourth Schedule to the recited Act of 1871 the Council shall in any case be at liberty to require a width not greater than twenty yards.

2. No new street shall be laid out of more than two hundred yards in length, unless there shall be at every interval of two hundred yards of such length an intersecting street: Provided that, in any case where this regulation cannot be enforced without considerable sacrifice of property, the Council shall be at liberty to waive or modify the above requirement as they may deem proper. If such intersecting street is intended only as a back approach to houses, and not to have the principal entrance to any house therein, or to form the approach to any other street, the Council shall not be at liberty to require such intersecting street to be more than six yards in width.

3. Whenever after the expiration of six years from the day on which any plan of any new street, or of part of any new street, shall hereafter be approved of by the Council, and whenever also, as to any new street, or part thereof, already approved by the Council, after the expiration of three years from the passing of this Act, it shall be found that such street, or part of a street, has not been made or formed or any building erected therein, such plan shall cease to be of any effect as if no such plan had ever been submitted. Any person proceeding to carry out such plan, unless again submitted to and approved by the Council, shall be deemed and taken to be acting as though no plan had been approved, and shall be liable to the same penalties as if he had begun making a street without submitting a plan.

4. No vault, arch, cellar, area, or excavation shall be made in or under any footway of any street without the consent of the Council. No projection over or under any such footway shall be made without the like consent.

5. Every wall, fence, or other division between yards or open spaces of adjoining houses or buildings shall be maintained in good repair and condition. In default thereof it shall be lawful for the Council to give notice, under the hand of the town clerk for the time being, to the owners and occupiers of such yards, spaces, houses, and buildings, requiring such wall or fence to be placed in proper condition within a time to be stated in such notice. If such wall or fence be not placed in proper condition, to the satisfaction of the Council, within such time, the person making default shall be liable to a penalty not exceeding forty shillings, and a further penalty of twenty shillings for every day during which such default shall continue.

6. The regulation numbered 6 in the Fourth Schedule of the recited Act of 1871, as to the distance required for open space at the rear or side of an intended dwelling-house, shall be deemed and taken to mean the distance laterally and throughout the entire width, as well as the distance from the said dwelling-house to the boundary of the land or building immediately opposite or adjoining to such intended dwelling-house, and exclusively belonging thereto.

7. The regulation numbered 16 in the Fourth Schedule of the recited Act of 1871 shall be enlarged and extended so as to enable the Council to prohibit any door or window of a new dwelling-house, or of any addition to an existing building, from being placed within ten feet of any existing privy or ashpit, whether appurtenant to the same or adjoining premises: Provided always, that the Council shall be at liberty, in such cases as they may think necessary, to waive the requirements contained in the last two preceding regulations, Nos. 6 and 7; provided as to the aforesaid regulation numbered 6 that the area of the open space be not less than is required by the regulation numbered 6 in the said Fourth Schedule of the said Act of 1871, and as to the aforesaid regulation numbered 7 that the greatest distance between any such door or window and any such existing privy or ashpit be obtained that is reasonably practicable.

8. The regulations numbered 19, 20, and 25 in the Fourth Schedule of the recited Act of 1871 shall be extended so as to prohibit the erection of any stable or the making of any manure pit within the distance of twelve feet from any dwelling-house or from any street. When made beyond such distances the same shall be in such situation and in such manner as shall have been approved of by the Council. Any person acting in contravention of this regulation shall be deemed to have committed an offence within the meaning of the said 25th regulation, and be subject to all the penalties prescribed in and by the regulations numbered 25 and 26 in the said Fourth Schedule.

9. All plans required by any of the building regulations in the Fourth Schedule of the recited Act of 1871 or in this Act contained shall be made on tracing linen or good tracing paper, to the satisfaction of the borough surveyor for the time being of the Council, otherwise he may decline to receive the same, and in that case it shall be deemed and taken that no plan has been submitted as required by the said regulations.

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10. The regulation numbered 5 in the Fourth Schedule of the recited Act of 1871 shall be amended by including the following enactments; that is to say, the external and party walls of every new building shall be constructed of stone, brick, or other hard and incombustible materials, unless the Council shall otherwise allow in cases in which it may appear to them that no danger would exist of the spread of fire if other materials were used, and every party wall between two adjoining houses shall be at least nine inches in thickness. Any person acting in contravention of this regulation shall be subject to the like penalties as are provided by the regulations numbered 25 and 26 of the Fourth Schedule of the recited Act of 1871.

11. The provisions in the regulations numbered 25 and 26 in the Fourth Schedule of the recited Act of 1871 shall be deemed to extend to and include any plan of any building or of any street, or part thereof, which may have been approved of by the Council at any time prior to the passing of the said Act, where such building or street, or part thereof, has been altered since the passing of the said Act without the further approval of the Council.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1878.