CHAPTER lxxviii.

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An Act to authorise the Cleator Moor Local Board to construct Waterworks for the supply of water to their district and to make further provision for the government of their district and for other purposes. [27th June 1881.]

WHEREAS the parish of Cleator in the county of Cumberland is a Local Government District within the meaning of the Public Health Act 1875 and the population residing within the said district has recently increased and is rapidly increasing: 38 & 39 Vict. c. 55.

And whereas large and important manufactories and works are already established within the said district and new works are being made there:

And whereas the Cleator Moor Local Board (in this Act called the Local Board) has for several years past supplied part of their district with water but such supply is insufficient for the whole of such district:

And whereas by an Order of the Local Government Board for extending the Local Government District of Cleator Moor and for other purposes dated the nineteenth day of April one thousand eight hundred and eighty and confirmed by the Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1880 after reciting that the Local Board had incurred certain debts amounting to sixteen thousand eight hundred and eight pounds for (amongst other things) the execution of works for supplying their district with water the Local Board were thereby authorised to levy and make such rates in the nature of general district rates as should be sufficient to defray in the manner provided by section 234 of the Public Health Act 1875 the said sum of sixteen thousand eight hundred and eight pounds or so much thereof as should be owing at the commencement of that Order and the interest due or to become due thereon within the periods within which the loans in respect of which the said sum was owing were originally sanctioned: 43 & 44 Vict. c. lxxxvi.

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And whereas eleven thousand five hundred pounds of the said sum of sixteen thousand eight hundred and eight pounds were incurred for the execution of works for supplying the district of the Local Board with water:

And whereas there still remains due of the said sum of eleven thousand five hundred pounds the sum of seven thousand eight hundred and eighty pounds:

And whereas the waterworks already executed by the Local Board and referred to in the said Order form part of the undertaking by this Act authorised and the said sum of seven thousand eight hundred and eighty pounds now due on account thereof forms part of the amount intended to be raised under the authority of this Act:

And whereas it is expedient to increase and improve the supply of water to the district of the Local Board in manner and subject to the conditions herein-after proposed and for such purposes to make and maintain the works herein-after mentioned:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the waterworks by this Act authorised and such estimates amount to the sum of twenty-six thousand pounds:

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:

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the first day of November one thousand eight hundred and eighty after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Whitehaven News a local newspaper 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 general district fund and general district rates of the district:

And whereas such resolution was published twice in the Cumberland Pacquet a newspaper circulating in the district and has received the approval of the Local Government Board and of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the eighteenth day of January

one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1881.

And whereas the owners and ratepayers of the district by resolution in the manner provided by the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas it is expedient that further powers should be conferred on the Local Board with reference to the sale of meat and other articles by hawkers within the district:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cumberland and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:

Short title.

1. This Act may be cited as the Cleator Moor Local Board Act 1881.

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. 8 & 9 Vict. c. 20.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (except where expressly varied by this Act) shall be incorporated herewith and form part of this Act and such Acts and parts or provisions of Acts are in this Act referred to as "the incorporated Acts" and the provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith and as if such reservoirs and works were therein referred to instead of "the railway" and as if the boundaries of the said reservoirs and works were therein mentioned instead of "the

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centre of the railway" and the prescribed limits shall be one hundred yards from the margin of the intended reservoirs.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the district" shall mean the district of the Local Board the expression "inspector" shall mean the inspector of nuisances for the district and in the Acts wholly or partially incorporated with this Act and also in this Act the expression "the promoters of the undertaking" "the undertakers" or "the company" shall mean the Local Board and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith 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.

Water limits.

4. The limits of this Act for the supply of water (in this Act called "the water limits") shall be the district of the Local Board.

Act to be executed by Local Board.

5. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act 1875 and that Act shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of that Act so far as the same shall be applicable thereto and except so far as any of the provisions of the Public Health Act 1875 are expressly varied or otherwise provided for by this Act.

Power for Local Board to supply water.

6. Subject to the provisions of this Act the Local Board by means of the works by this Act authorised to be made or any of them may from time to time supply water within the water limits and may sell and dispose of the water within the water limits as they from time to time think fit.

Power to construct waterworks &c.

7. Subject to the provisions of this Act the Local Board may make and maintain the reservoirs aqueducts conduits and other works shown on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto in the lines and situation upon the levels and in over or upon the lands delineated on the deposited plans and sections and described in the deposited books of reference and for those purposes may

enter upon take impound divert and use all or any of the lands streams springs and waters delineated on the deposited plans and described in the deposited books of reference or which can or may be intercepted or taken by the said waterworks or works by this Act authorised in connexion therewith.

Reservoirs and works.

8. The works by this Act authorised and herein-before referred to are wholly situate in the county of Cumberland and comprise the following (that is to say) :

1. A reservoir (No. 1.) on Roughton Beck in the parish of Cleator of an area of one acre and a quarter or thereabouts situate on the northern part of a certain field or enclosure of land adjoining the Nannycatch Road in the said parish and numbered 582 on the published ordnance map for the same parish ;
2. A reservoir (No. 2) on Roughton Beck in the said parish of Cleator of an area of three-quarters of an acre or thereabouts situate in and upon the said field or enclosure of land No. 582 at the north-west side of and immediately adjoining the reservoir (No. 1) herein-before described ;
3. A reservoir (No. 3) in the township of Kinniside in the parish of Saint Bees detached situate in the valley of Mere Beck of an area of seventeen acres or thereabouts to be formed by an embankment of two hundred and thirty-five yards or thereabouts placed across the stream known as Mere Beck at a point thereon eighty yards or thereabouts measured up the stream in a north-easterly direction from the point where the said stream crosses the road leading from Croftbrow to Cockhow and Longlands in the said township and parish ;
4. An aqueduct conduit or line of pipes (called line of pipes No. 1) commencing in the reservoir No. 1 herein-before described and terminating in the bed of the said stream known as Mere Beck at a point in a certain plantation near Lizza Brow in the township of Kinniside and parish of Saint Bees detached numbered 327 on the published ordnance map of the said parish measured in a westerly direction fifty-five yards or thereabouts from the eastern boundary fence of the same plantation ;
5. An aqueduct conduit or line of pipes (called line of pipes No. 2) commencing near a well known as Bessy Whag Well situate in the northern corner of a certain enclosure numbered 596 on the published ordnance map of the parish of Cleator and terminating in the reservoir No. 1 herein-before described ;

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6. An aqueduct conduit or line of pipes (called line of pipes No. 3) commencing in the bed of a stream known as West Gill at a point in the eastern corner of a certain plantation or enclosure numbered 488 on the published ordnance map of the parish of Cleator measured along the said stream thirty yards or thereabouts in a north-westerly direction from the south-eastern boundary fence of the said plantation and terminating in the reservoir No. 1 herein-before described;

7. An aqueduct conduit or line of pipes (called line of pipes No. 4) commencing from and out of the reservoir No. 2 herein-before described and terminating at a point in the highway at Cleator Moor called the Ennerdale Road where that highway is joined by the Crossfield Road;

8. An aqueduct conduit or line of pipes (called line of pipes No. 4a) commencing from and out of the reservoir No. 1 herein-before described and terminating at the same point as the line of pipes No. 4 herein-before described;

9. An aqueduct conduit or line of pipes (called line of pipes No. 5) commencing at the termination of the line of pipes No. 1 herein-before described by a junction with the same there and terminating in the reservoir No. 3 herein-before described at a point forty yards or thereabouts on the north-east side of the centre of the embankment thereof;

10. An aqueduct conduit or line of pipes (called line of pipes No. 6) commencing in the reservoir No. 3 herein-before described at a point on the boundary fence between the fields or enclosures Nos. 236 and 240 on the published ordnance map of the said parish of Saint Bees detached and terminating in the said stream known as Mere Beck at a point measured eighty yards or thereabouts from the south-west corner of the field or enclosure No. 322 on the published ordnance map of the said parish of Saint Bees detached;

11. An aqueduct conduit or line of pipes (called line of pipes No. 7) commencing at the termination of the line of pipes No. 6 herein-before described by a junction with the same there and terminating in the bed of the stream known as Rowland Beck at a point in the said stream measured in a southerly direction one hundred and ninety yards or thereabouts from the southern boundary fence of a certain plantation or enclosure near Fellend No. 419 on the published ordnance map of the said parish of Saint Bees detached;

12. An aqueduct conduit or line of pipes (called line of pipes No. 8) commencing at the termination of the line of pipes

No. 7 herein-before described by a junction with the same there and terminating in the bed of a stream known as Goalgill at a point in the said stream between the seven hundred and eight hundred contour lines on the published ordnance map for the county of Cumberland;

13. An aqueduct conduit or line of pipes (called line of pipes No. 9) commencing in the bed of a stream which crosses the boundary line between the townships of Ennerdale and Kinniside at a point eight hundred and sixty yards or thereabouts measured in a westerly direction along the said boundary line from Buckhole on the River Calder at a point measured in a northerly direction along the said stream two hundred and twenty yards or thereabouts from the said point on the said boundary line and terminating in the source of the said stream called Rowland Beck in the parish of Saint Bees detached;

together with all such wells shafts borings conduits and other works approaches roads ways embankments tanks filtering beds dams sluices conduits channels drains pipes engines and conveniences as may be necessary for collecting raising filtering drawing and distributing water in connexion with the above works.

Lateral and vertical deviation.

9. The Local Board in constructing the works by this Act authorised may make deviations from the line of such works but not exceeding the limits of lateral deviation shown on the deposited plans and may deviate from the levels delineated on the deposited sections to any extent not exceeding two feet upwards and five feet downwards Provided always that the heights of the embankments of the reservoirs above the general surface of the ground as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid.

Period for compulsory purchase of lands.

10. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to acquire additional lands.

11. In addition to the lands streams and waters which the Local Board are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act but subject to the provisions of this Act from time to time by agreement purchase in fee either absolutely or in consideration of any yearly or other rent any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) in or over such additional lands which they

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may from time to time think requisite for any of the purposes of this Act but the Local Board shall not erect any buildings upon such lands other than offices residences for persons in their employ or such buildings and works as may be incident to or connected with the waterworks by this Act authorised.

Power to divert roads &c.

12. The Local Board may divert all roads marked for that purpose upon the deposited plans and all other roads and ways within the limits of deviation defined on the deposited plans which would interfere with the construction use and occupation of the works and lands by this Act authorised to be made and taken and may appropriate for the purposes of this Act the sites of the roads and ways so diverted or stopped up so far as they are bounded on both sides by lands of the Local Board.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Local Board any easement right or privilege (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for completion of works.

14. The works hereby authorised shall be completed within eight years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided always that subject to the provisions of this Act the Local Board from time to time may alter enlarge and extend their engines machinery tanks filter beds mains and pipes in such way and manner as shall be necessary for supplying water under this Act.

Protection of London and North-western and Furness Railway Companies.

15. In constructing and maintaining the line of pipes No. 4 and the line of pipes No. 4a particularly described in section 8 of this Act (herein-after referred to as the line of pipes Nos. 4 and 4a) and any mains pipes or other works crossing or affecting any of the railways forming part of the joint Whitehaven Cleator and Egremont Railway undertaking belonging jointly to the London and North-western and Furness Railway Companies (herein-after referred to as the two companies) or any of the works thereof respectively or

any lands belonging to or used by the two companies in connexion with such railways and the works thereof the Local Board shall observe perform and be bound by the following provisions stipulations and conditions namely :—

(1.) The line of pipes Nos. 4 and 4a where they will cross the Whitehaven Cleator and Egremont Railway of the two companies at the Cleator Moor goods station shall be carried along the Ennerdale Road bridge over that railway and the approaches thereto by mains or pipes which for the entire length of such crossing and for twenty-five feet on each side of such bridge and approaches shall be of such materials dimensions quality and thickness as the principal engineer of the two companies for their said joint undertaking shall in writing reasonably approve and according to plans and sections to be previously so approved and so that with respect to such crossing the Local Board shall not without the consent in writing of such engineer deviate the said mains or pipes laterally or vertically from the lines and levels thereof as shown on the deposited plans and sections and all such works for and at such crossing as also all other mains pipes and works laid constructed or executed by the Local Board crossing or in any way affecting any of the said railways works or approaches or any such lands or property and all maintenance repairs and renewals thereof respectively shall be done and executed by the Local Board to the reasonable satisfaction in all respects and under the superintendence of such engineer and in all things at the expense of the Local Board and whenever any such works maintenance repairs or renewals are commenced they shall be executed and completed with all due despatch and shall be so constructed executed and maintained that the said railways works or approaches respectively shall not be injured nor the traffic upon the said railways in any way impeded.

(2.) In case the Local Board shall not at all times duly maintain and keep repaired and renewed the line of pipes Nos. 4 and 4a and the works at such or at any other crossing of the said railways or in case of any accident happening to or defect appearing in or there being any leakage from or bursting of those pipes at or near such crossing or of any other mains or pipes at any other crossing of the said railways the two companies may effect such maintenance repairs and renewals and all works necessary to stop such leakage and bursting and recover from the Local Board the amount of their expenditure in that behalf with full costs by all and the same means as any

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simple contract debt is recoverable and if by reason of or of the failure of any works operations or proceedings of the Local Board or any of their contractors or the agents servants or workmen of the Local Board or of their contractors the said railways works or approaches at or near any such crossings shall be injured the Local Board shall forthwith make good the same or in case they shall make default in that behalf then the two companies may make good the same and recover as aforesaid from the Local Board the amount of their expenditure in that behalf with full costs and if any interruption shall be occasioned to the traffic on the said railways by reason of or of the failure of any works operations or proceedings of the Local Board or of any of their contractors or the agents servants or workmen as aforesaid the Local Board shall pay to the two companies all costs and expenses to which they may be put as also compensation for all loss and inconvenience to be sustained by them by reason of any such interruption such costs expenses and compensation to be recovered as aforesaid with full costs.

(3.) The Local Board shall not without the consent in writing of the two companies under their common seals purchase take enter upon or use temporarily or permanently any lands property or works or any estate right easement privilege or authority in over or upon the same respectively or alter vary or interfere with the said railways or any of the works thereof or thereto appertaining.

Impounding &c. of water.

16. The Local Board may for the purposes of this Act take collect divert impound and use all or some of the waters of the streams called or known as Mere Beck Westgill Ramsgill Roughton Beck Bessy Whag Clogger Beck Oxenstone Beck Rowland Beck and Goalgill and certain springs on Red Moss near the source of Rowland Beck aforesaid and all or any of the streams and waters which directly or derivately flow or proceed into or out of the same respectively and into through and out of the reservoirs and works by this Act authorised and all or some of the streams and waters in the line of the works by this Act authorised or within the limits of deviation defined upon the deposited plans or which can or may be abstracted by means of the said works or any of them Provided always that the powers herein-before in this Act conferred on the Local Board for the construction of works or taking of water or with reference to those objects or either of them shall be expressly subject to the several provisions of this Act which are herein-after contained.

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Compensation water for Oxenstone Beck and Rowland Beck.

17. The Local Board shall at all times permit five thousand gallons of water per diem to flow past their intake pipes in Oxenstone Beck and Rowland Beck respectively and subject thereto may take or appropriate the whole of the waters of the said becks or streams for the purposes of this Act.

Supply of compensation water to be continuous.

18. The quantity of compensation water mentioned in the last preceding section shall be allowed to flow in a regular and continuous stream during the whole twenty-four hours of every day in the year.

Compensation water for Merebeck and other streams &c.

19. As full compensation for the waters of Merebeck Westgill Ramsgill Roughton Beck Bessy Whag and Clogger Beck and all or any of the streams which directly or derivatively flow or proceed into or out of the same respectively to be diverted taken collected impounded and appropriated under the powers of this Act the following provisions shall have effect (that is to say):—

1. The Local Board shall deliver out of reservoir No. 3 into Merebeck at a point therein situate not more than one hundred yards below or down the stream from the centre of the said embankment a regular and continuous flow of not less than one hundred and fifty thousand gallons a day of twenty-four hours;
2. The Local Board shall construct and thenceforward maintain a notched gauge plate or such gauges sluices or other works as shall be requisite to measure and secure the flow of the quantity of water aforesaid;
3. Such notched gauge plate gauges sluices and works shall respectively be open to the inspection and examination of the several persons for the time being interested in the waters so to be discharged or to flow through or over the same respectively;
4. If any difference arise between the Local Board and the parties so interested as aforesaid as to any of the provisions of this section the same shall be determined by a hydraulic engineer to be agreed on between the parties in difference and in default of agreement by a hydraulic engineer to be nominated on the application of either party after seven days notice in writing to the other by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be in the discretion of the arbitrator.

Water to be compensation to millowners &c.

20. The compensation waters aforesaid shall be deemed to be full compensation to all persons interested in the waters of Merebeck Westgill Ramsgill Roughton Beck Bessy Whag Clogger Beck

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Oxenstone Beck and Rowland Beck for and in respect of the waters abstracted under the powers of this Act from the said streams or becks or any of them.

Nothing herein contained shall prejudice or affect the right (if any) of Henry Lord Leconfield as owner of the minerals in the watersheds of the said streams or becks or some of them and his sequels in estate of using in such manner and to such extent as he might have done had this Act not passed the waters of any of the said streams or becks above the places where the Local Board are by this Act authorised to intercept or impound the waters thereof: Provided always that such right of user (if any) shall not be at any time claimed or exercised so as to interfere with hinder or prejudice the taking and supply of water by the Local Board as authorised under the other provisions of this Act and that any interference with or hindrance or prejudice to the right of user (if any) of Henry Lord Leconfield or his sequels in estate by the taking of such water by the Local Board shall be matter of compensation as provided by section 50 of this Act:

Pressure need not be constant.

21. The water to be supplied by the Local Board need not be laid on under constant pressure nor shall the Local Board 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 reservoirs to be constructed under the powers of this Act.

Rates for supply of water.

22. The Local Board 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 net rateable value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds and ten shillings;

Where such net rateable value shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds;

Where such net rateable value shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding six pounds and ten shillings;

Where such net rateable value shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds;

Where such net rateable value shall exceed eighty pounds and not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds and ten shillings;

Where such net rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds : A.D. 1881.

Provided always that the Local Board shall not be compellable to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than ten shillings and tenpence during the period of six years from and after the passing of this Act or for any less sum than nine shillings and sixpence during the period of four years thence next ensuing or thereafter for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house :

In addition to the rates computed as above specified the Local Board may charge for every water-closet beyond the first and for any private bath in any private dwelling-house or part of such dwelling-house or appurtenant thereto the following rates (that is to say) :

When the net rateable value shall not exceed ten pounds the sum of five shillings per annum ;

When the net rateable value shall exceed ten pounds but shall not exceed twenty pounds the sum of six shillings per annum ;

When the net rateable value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum ;

When the net rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum ;

When the net rateable value shall exceed eighty pounds the sum of twelve shillings per annum :

And for every additional water-closet beyond the second and for every additional bath beyond the first not exceeding the sum of five shillings a year respectively.

Incoming tenant not liable for arrears of water rate.

23. If any consumer leave the premises to which water has been supplied without paying to the Local Board the water rate or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears.

Supply of water for domestic purposes.

24. The Local Board are hereby authorised and required 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 save as herein-after mentioned shall at the request of the owner or occupier of any house in any

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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 or proper apparatus to be provided laid down and maintained as herein-after mentioned at the cost of such person a sufficient supply of water for domestic purposes and save as herein-after mentioned the owner of any house within the water limits shall when thereunto required by the Local Board 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 except as herein-after provided the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

In case of neglect Local Board may introduce water into houses.

25. If for twenty-eight days after demand in writing made by the Local Board to the owner of any house in any street within the water limits in which main pipes or service pipes have been laid down such owner shall refuse or neglect to provide branch or communication pipes and other proper and necessary apparatus for introducing water into such house as herein-before directed it shall be lawful for the Local Board to enter such house and introduce such pipes and other apparatus into the same and to sue for and recover from such owner the amount of the expense thereby incurred by the Local Board.

Local Board may supply fittings &c.

26. The Local Board may if requested by any person supplied or about to be supplied by them with water furnish to him at his cost and charges and from time to time repair and alter any such pipes valves meters cocks cisterns baths soil-pans water-closet apparatus and receptacles as may be required and may provide all materials and do all works necessary or proper in that behalf.

Prevention of waste of water.

27. The Local Board shall not be compellable to supply with water any water-closet or private bath or the apparatus connected therewith unless the same be made to the satisfaction of the Local Board and used so as to prevent the waste or undue consumption of the water of the Local Board or with respect to a private bath if it contain when filled for use more than fifty gallons of water.

Public drinking fountains.

28. The Local Board from time to time when and as they think it 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 water limits as the Local Board

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 Local Board.

Supply of water for other than domestic purposes.

29. The Local Board may supply water within the water limits for purposes other than domestic purposes on such terms pecuniary and otherwise and conditions as shall be agreed on between the Local Board 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 prejudices the sufficiency of the supply of water for domestic purposes.

Rate payable by owner for small houses &c.

30. Where the net rateable value 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 quarter of a year 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 rent from time to time due from him to the owner.

License for sale out of market.

31. The Local Board may from time to time if they think fit grant to any person a license to sell or expose for sale in a place other than a market-place or market house or from door to door any article in respect of the sale or exposure for sale whereof in any market place or market house or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house any toll stallage or rent is leviable by or payable to the Local Board every such license being granted on such terms and conditions as the Local Board think fit and to endure for a period not exceeding twelve months and to be revocable in such cases as the Local Board may prescribe and the Local Board may demand and take for every such license any sum not exceeding one pound and if any person does any act for which such a license is required without having obtained such a license or does any act in contravention of or omits to do anything required by a license granted to him he shall be liable to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Penalty for sale except in markets &c.

32. If any person not licensed by the Local Board under this Act sells or exposes for sale except in his own dwelling-place or place of business or carries about for sale any article in respect whereof or in respect of the user of any stall or other convenience for the sale or exposure whereof the Local Board are entitled to take

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any toll stallage or rent in any market or fair he shall for every such offence be liable to a penalty not exceeding forty shillings and every article so hawked carried about or cried shall be forfeited to the Local Board and may be seized by the inspector and sold for their benefit or detained at the charge of the owner until the penalty for breach of this enactment in respect thereof and all costs and charges incurred or adjudged thereon together with the cost of such detention be paid and satisfied.

Saving for hawkers horse-dealers &c.

33. Subject to the provisions of this Act nothing in this Act nor in any byelaw thereunder shall interfere with the lawful exercise of their calling by hawkers pedlars and petty chapmen duly licensed under any Act relating to such callings and subject as aforesaid nothing in this Act nor in any byelaw shall interfere with or prevent the owner of any horse or any licensed horse-dealer on behalf of such owner from selling or exposing the same for sale otherwise than by auction on his own premises or for showing or trying any horse preliminary to any such sale or intended sale thereof Provided always that no hawker pedlar or petty chapman shall unless licensed under this Act sell within the district of the Local Board any meat or other article for the sale of which a license is required under this Act but is not required under any public general Act relating to such callings.

Power to borrow.

34. The Local Board may from time to time under the authority of this Act in addition to any moneys they have borrowed or are authorised to borrow under any other Act borrow at interest on mortgage of the water rates and other revenue of the Local Board arising from their water undertaking and of any rate or rates they may be authorised to levy under the Public Health Act 1875 or on any of such securities either together or separately all such sums as they may from time to time think requisite for all or any of the purposes of this Act not exceeding in the whole twenty-six thousand pounds and no person advancing money to the Local Board on mortgage under the powers of this Act shall be bound to see to the application thereof.

Existing mortgages to have priority.

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

Rates to be increased.

36. After any money is borrowed under this Act the estimate for and the amount raised by the rates leviable by the Local Board

shall comprise the sums for the time being required in addition to the income from the water undertaking of the Local Board for the payment of interest or repayment of principal on or in respect of the money so borrowed. A.D. 1881.

Mortgages &c. to be under provisions of 38 & 39 Vict. c. 55. but certain restrictions not to apply.

37. Subject to the provisions of this Act the provisions of the Public Health Act 1875 with respect to mortgages by the Local Board shall apply to all money borrowed by the Local Board under this Act but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under the Public Health Act 1875 any sums which they may borrow under the provisions of this Act shall not be reckoned Provided always that nothing in this Act contained shall authorise the Local Board to borrow moneys from the Public Works Loans Commissioners under the powers and for the purposes of this Act.

Application of moneys borrowed on mortgage.

38. All moneys from time to time borrowed under this Act on mortgage shall be applied by the Local Board only as follows:

First. In payment of the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or such proportion thereof as the Local Board think fit;

Secondly. In paying the expenses of and incident to the construction of the reservoirs and waterworks by this Act authorised and in providing and laying main pipes and other conveniences for the supply of water and generally in carrying out the purposes of this Act to which capital is properly applicable.

Power to re-borrow.

39. If the Local Board pay off any part of any money borrowed by them under the preceding provisions of this Act otherwise than by instalments or by means of a sinking fund or by the sale of superfluous lands they may re-borrow the same and so re-borrow from time to time Provided always that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid and as if they had formed part of the original loan.

Application of all moneys raised.

40. All moneys raised under this Act whether by debenture stock or borrowing or produced by the sale of superfluous lands or otherwise received by the Local Board on capital account shall be applied only to purposes to which capital is properly applicable.

Application of water revenue.

41. All water rates or sums received by the Local Board for the supply of water and all other receipts and credits on account of the waterworks of the Local Board other than borrowed money or

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receipts on capital account shall in each and every half year be applied as follows:

First. In payment of the expenses properly chargeable to revenue of establishing conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Local Board;

38 & 39 Vict. c. 83.

Secondly. In payment of the interest upon mortgages debentures debenture stock and annuity certificates granted under the provisions of this Act or of the Local Loans Act 1875;

Thirdly. In from time to time providing the instalments or annual repayments appropriations and sinking fund payments required by this Act or the Local Loans Acts 1875 in respect of the moneys hereby authorised to be borrowed; and

Lastly. Any surplus remaining after the purposes aforesaid are effected shall be paid to and form part of the general district rate.

Sinking fund.

42. The Local Board shall pay off the moneys raised by mortgage under the provisions of this Act by means of the sinking fund or by equal annual instalments of principal or of principal and interest or partly by the sinking fund and partly by such annual instalments as they think fit and the sum or sums to be yearly set apart for the sinking fund or instalments shall be of such an amount as will in the opinion of the Local Government Board enable the Local Board to pay off the amount raised by such mortgages under the powers of this Act in the course of sixty years after the passing of this Act but the Local Board shall not be bound to commence the formation of the sinking fund or the payment by instalments by setting apart or applying any portion of their revenue for the purpose until the expiration of five years from the passing of this Act.

Application of sinking fund.

43. The sums set apart for any sinking fund under the provisions of this Act and the interest thereon shall be invested in the purchase of Exchequer bills or other Government securities or any other securities in which trustees for the time being are authorised to invest trust moneys or may be applied by the Local Board in paying off mortgages granted under the provisions of this Act and the Local Board may from time to time as they think fit sell all or any Exchequer bills or securities which shall have been so purchased and apply the proceeds in paying off mortgages granted under the provisions of this Act Provided always that whenever any of such mortgages have been so paid off the Local Board shall thenceforth until the whole of such mortgages have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the interest

of the mortgages so paid off Provided further that whenever and so long as the yearly income arising from the sinking fund shall be equal to or in excess of the annual interest of the mortgages then due and outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Separate accounts.

44. The Local Board shall keep a separate account of all their receipts credits payments and liabilities in respect of their water undertaking to be called the "water account" and such account shall distinguish capital and revenue and shall be subject to the same provisions as to audit examination report inspection copies and extracts and production of vouchers as other accounts of the Local Board under the Public Health Act 1875.

Apportionment of items.

45. In all cases in which the Local Board keep separate accounts for separate purposes they may apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Audit.

46. Sections 248 to 250 inclusive of the Public Health Act 1875 relating to the audit of accounts shall apply to the water account under this Act except that the amount of any additional remuneration payable for audit of the water account shall be determined by the Local Government Board and such amount shall be paid by the Local Board and shall be charged to the water account.

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

47. The clerk to the Local Board 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 or any instalment repayment or appropriation is required to be paid or made under this Act or the Local Loans Act 1875 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 paid as an instalment repayment or appropriation or 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 and the interest thereon has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making

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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 Local Board have failed to pay or make any instalment repayment or 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 any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

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

48. The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof 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 for any of the purposes of this Act shall be a charge upon and shall be paid out of the rate or fund or rates or funds or revenues upon which the costs charges and expenses from time to time incurred by the Local Board in the execution of such purpose are made a charge by this Act and such rate or fund or rates or funds or revenues shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within sixty years from the passing of this Act and such discharge or any part thereof shall be effected by means of a sinking fund if the Local Board shall so think fit and if the Local Board at any time think fit to form any such sinking fund all sums paid into the same shall as soon as may be be invested by the Local Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Local Board may remove water-pipes &c. from unoccupied premises.

49. If and whenever any house building or premises which shall have been supplied with water by the Local Board shall be unoccupied for the space of three months the Local Board 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 Local Board after inquiry 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 ten o'clock in the forenoon and four o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Local Board.

Settlement of disputes.

50. Where any compensation damages costs charges or expenses is or are by this Act directed to be paid and the method of ascertaining the amount thereof is not provided for such amount shall in case of dispute be ascertained and determined as provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation.

Application of penalties.

51. Every penalty imposed by this Act or by any byelaw under this Act (except where the Local Board shall be the party by whom the penalty has to be paid) shall be paid to the treasurer of the Local Board and shall be carried by him to the credit of the water account or of such other account as the case may require.

Penalties not cumulative.

52. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and the incorporated Acts and the Public Health Act 1875 shall be deemed several Acts.

Notices.

53. Any summons demand or notice or other such document to be given by the Local Board under this Act or under the Public Health Act 1875 or any of them may be in writing or print or partly in writing and partly in print and if the same require authentication by the Local Board the signature of the clerk of the Local Board thereto shall be a sufficient authentication.

Contents of summons &c.

54. Any summons warrant notice demand or other process issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Saving rights of Local Board.

55. Except as is by this Act expressly provided this Act or anything herein contained shall not take away lessen alter or prejudice any of the estates rights powers or privileges of the Local Board or of the Local Government Board under the Sanitary Acts as defined by the Public Health Act 1875 or under that Act or any other Act or order of the Local Government Board relating to the Local Board.

Expenses of Act.

56. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the

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Local Board out of the general district rates of the district and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

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