CHAPTER xli.

An Act to empower the Corporation of Coventry to make additional waterworks and for other purposes. A.D. 1889.

[24th June 1889.]

WHEREAS by an Act passed in the seventh and eighth years of the reign of Her present Majesty chapter LVI intituled "An Act for better supplying with water the parishes of Saint Michael the Holy Trinity and Saint John the Baptist in the city of Coventry and county of Warwick" (in this Act called the recited Act) the mayor aldermen and citizens of the city of Coventry (in this Act called the Corporation) were empowered to construct certain waterworks for the supply of water within the limits of the said Act:

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the existing and growing demands of the inhabitants of the districts included within the water limits of the Corporation and it is therefore expedient that the Corporation should be empowered to make and maintain the additional waterworks by this Act authorised:

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

And whereas estimates have been prepared by the Corporation showing that they require to borrow moneys for waterworks purposes and that the works included in such estimates 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 council at a meeting held on the fifteenth day of January one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Coventry Standard" a local paper published or circulating in the city 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 borough fund and borough rate of the city:

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And whereas such resolution was published twice in the "Coventry Standard" a newspaper published and circulating in the city and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of February one thousand eight hundred and eighty-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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

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

Short title.

1. This Act may be cited as the Coventry Water Act 1889.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts);

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit section 35 as to constant supply at high pressure except also the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and section 83 with respect to accounts);

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the

railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised. A.D. 1889.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction: Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Corporation;

"The railway" means the reservoirs by this Act authorised to be constructed;

"Centre of the railway" means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs:

And in this Act—

"The Corporation" means the mayor aldermen and citizens of the city of Coventry;

"The city" means the municipal city of Coventry;

"The council" means the council of the city;

"The town clerk" means the town clerk of the city;

"The borough fund" and "the borough rate" mean the borough fund and borough rate of the city;

"The Municipal Corporations Act" means the Municipal Corporations Act 1882 and any Act amending the same;

"Person" includes a corporation:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Corporation.

4. This Act shall be carried into execution by the Corporation acting by the council.

Power to make waterworks.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks following (that is to say):—

(1.) A well with drifts and pumping station (No. 1) situate in the parish of St. Michael (Coventry) in a certain field belonging or reputed to belong to the Corporation and in the occupation of Alfred James Schwabe;

(2.) A line of main pipes (No. 1) commencing in the said parish of St. Michael and leading from the said well and pumping

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station to and terminating in the service reservoirs next hereinafter described;

(3.) Two service reservoirs situate in the parish of the Holy Trinity in a certain field adjoining to and on the east side of a lane leading out of Barker's Butt's Lane into a road leading from Radford to Brownshill Green the said field belonging or reputed to belong to the trustees of Sir Thomas White's Charity Estates in the occupation of Joseph Liggins;

(4.) A well with drifts and pumping station (No. 2) situate in the said parish of the Holy Trinity in certain fields near to the village of Radford belonging or reputed to belong respectively to the representatives of the late William Lynes deceased and the trustees of Sir Thomas White's Charity Estates and in the respective occupations of Richard Caldicott and Joseph Warden;

(5.) A line of main pipes (No. 2) commencing in the parish of the Holy Trinity at and leading from the last-mentioned well and pumping station to and terminating in the circular tank of the existing pumping station of the Corporation:

Together with all proper approaches embankments wells tanks basins filters dams sluices weirs outfalls syphons pipes adits shafts borings tunnels aqueducts culverts cuts trenches channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any of them or necessary for pumping collecting filtering storing and distributing water and for carrying into effect the objects of this Act.

Power to take lands and waters.

6. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may by means of the wells drifts and pumping stations by this Act authorised take use get and appropriate for the purposes of their waterworks all springs and waters found in on or under any of the lands acquired by them under this Act.

Lateral and vertical deviation.

7. In making the works by this Act authorised the Corporation may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may also deviate from the levels of the works by this Act authorised as delineated on the deposited

sections to any extent not exceeding three feet upwards and ten feet downwards. A.D. 1889.

Time for completion of works.

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

For the protection of the London and North-western Railway Company.

9. The following provisions for the protection of the London and North-western Railway Company (herein-after called "the railway company") shall have full force and effect and be binding upon the Corporation and their assigns:—

(1.) In constructing or laying the line of main pipes No. 1 under the London and Birmingham and the Coventry and Nuneaton Railways of the railway company and the line of main pipes No. 2 under the said Coventry and Nuneaton Railway as also in effecting the maintenance repairs and renewals of such lines of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to such railways or interruption to the passage or conduct of the traffic over such railways and if any such injury shall arise to such railways or interruption to such traffic the Corporation shall make full compensation to the railway company in respect of such injury or interruption The amount of such compensation to be recoverable from the Corporation by the railway company together with full costs by all and the same means as any simple contract debt is recoverable,

(2.) The said lines of main pipes shall for their entire length across the said railways and for twenty-five feet on each side of the said railways be of such materials dimensions quality and thickness as such engineer shall in writing reasonably require.

(3.) The Corporation shall not (except with the previous consent of the North-western Company under their common seal) purchase or acquire any lands or property of the North-western Company but the Corporation may purchase and take and the North-western Company shall sell and grant accordingly an easement or right of using so much of the lands of the railway company as may be necessary for the

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crossing of the line of main pipes No. 2 under the lands and property of the railway company.

(4.) In laying down executing or in effecting the repairs alterations or renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any stations thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable.

Restriction on taking houses of labouring class.

10. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants

whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take additional lands by agreement.

11. The Corporation may from time to time for the purposes of this Act or other the purposes of their water undertaking purchase by agreement any lands not exceeding thirty acres in addition to the lands which they are authorised by this Act to take by compulsion but such lands shall not be used for any building except buildings required for or used in connexion with the water undertaking of the Corporation.

Power to take easements &c. by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Period for compulsory purchase of lands.

13. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Proceeds of sale of surplus lands to be treated as capital.

14. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed for any purpose by the Corporation but shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and any moneys so discharged shall not be re-borrowed.

Amendment of s. 155 of recited Act as to minimum charge.

15. The proviso to section 155 of the recited Act shall be read and have effect as if the sum of eight shillings were inserted therein in lieu of four shillings and the supply of water for domestic purposes shall include a supply of water to water-closets whether situated on the ground floor or any other part of the dwelling-house.

Power for Corporation to prescribe scale of charges.

16. The Corporation may from time to time in lieu of the water-rate authorised by section 155 of the recited Act prescribe a scale of charges for the supply of water provided that the charges for the supply of water to any dwelling-house or part of a dwelling-house in any such scale do not exceed the water rate assessable under the said

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section and while any such scale of charges is in force the provisions of the recited Act and this Act as to water rates shall apply to such charges :

Provided that where the water rent is chargeable on the rateable value of a part only of any premises entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole premises the apportionment in case of dispute to be determined in manner provided by the sixty-eighth section of the Waterworks Clauses Act 1847.

Water rates payable half-yearly in advance.

17. The rates payable to the Corporation for the supply of water shall be paid in advance by equal half-yearly payments on the following days in the year namely Midsummer Day and Christmas Day and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation or at the time when the agreement to take water from the Corporation is made and the recited Act and the Acts incorporated with this Act shall be read and apply as if the half-yearly payments provided for by this section had been inserted in those Acts.

Regulations for preventing waste of water.

18. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say) :—

(1.) The Corporation may from time to time make regulations for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect except within the part or parts of the district which the Corporation are for the time being under the provisions hereinafter in that behalf contained bound to supply and do in fact supply or are prepared to supply with water under constant pressure and unless and until such regulations shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulations shall be confirmed until the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given to the rural sanitary authorities within the water limits who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Corporation and all persons may at all reasonable times inspect such copy without payment and the Corporation shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Corporation and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Corporation or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Corporation may in addition thereto recover the amount of any damages sustained by them.

Where regulations confirmed Cor-

19. Any regulations which the Corporation from time to time submit to the Local Government Board for confirmation under the

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poration bound to supply water under constant pressure in parts of district specified in the regulations.

last preceding section shall specify the part or parts of the district to which such regulations shall apply and after such regulations (either in their original or in any modified form) have been confirmed by that Board the Corporation shall thenceforth be bound to supply the part or parts of the district specified in the regulations so confirmed with water under constant pressure.

Power to supply water to local authorities and others.

20. (1.) It shall be lawful for the Corporation to supply water by agreement to any local or sanitary authority company or person beyond their water limits on such terms and conditions in all respects and for such periods as the Corporation and such local or sanitary authority company or person may from time to time agree but no such supply shall interfere with the Corporation giving a proper supply for all purposes to persons within their water limits.

(2.) For the purpose of affording a supply of water under this section the Corporation may exercise the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes within the district of any sanitary authority immediately adjacent to the water limits of the Corporation Provided that no such power shall be exercised without the consent in writing of the road authority and of the sanitary authority and subject to any conditions as to affording or discontinuing the supply of water as such sanitary authority may impose.

(3.) At any time after the laying down of any mains pipes or apparatus under this section the Corporation shall if required by the sanitary authority of the district within which such mains pipes or apparatus are situate sell to that authority all such mains pipes and apparatus at such price and on such terms and conditions as may be settled by agreement between the Corporation and the sanitary authority or failing agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and from and after such sale the powers of the Corporation under the preceding sub-section (2) shall in regard to the district to which such sale relates cease The provisions of this sub-section shall apply notwithstanding any previous agreement between the Corporation and the sanitary authority but the arbitrator may in determining the price to be paid as aforesaid have regard to the terms of any such agreement.

Authorised works to form part of water undertaking.

21. The works authorised by this Act shall form part of the water undertaking of the Corporation and the provisions of the recited Act so far as they are consistent with the provisions of this

Act shall apply to the works authorised by this Act and to the supply of water therefrom. A.D. 1889.

Power to borrow.

22. The Corporation may for the purpose of the works by this Act authorised and other the purposes of their water undertaking from time to time borrow at interest any sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds and for that purpose may mortgage or charge the borough fund and borough rate and the revenue of their water undertaking or either of those securities.

Money may be raised by mortgage or under the Local Loans Act.

23. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Provisions of Public Health Act as to mortgages to apply.

24. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of Mortgage.
Section 237. Register of Mortgages.
Section 238. Transfer of Mortgages.
Section 239. Receiver may be appointed in certain cases.

Mode of payment off of moneys borrowed.

25. The Corporation shall pay off all moneys borrowed by them under this Act within sixty years from the time or times of borrowing the same respectively by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act are hereby incorporated with this Act.

Power to re-borrow.

26. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the re-payment of the loan and to the provision to be made for such re-payment shall not be diminished by reason of such re-borrowing.

Protection of lender from inquiry.

27. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or

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be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

28. Money borrowed or raised by the Corporation under this Act shall be applied only for the purpose of the waterworks authorised by this Act or other the purposes of their water undertaking to which capital is properly applicable.

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

29. 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 or any instalment is required to be paid 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 paid as an instalment 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 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 the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment 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. The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Saving for existing charges.

30. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies

in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Repeal of recited Act so far as same disqualifies justices who are rated inhabitants of Coventry.

31. The provisions in sections 161 186 and 193 of the recited Act in respect of recovery of rates damages and penalties by summary proceeding before justices so far as such provisions require the justices not to be rated inhabitants of Coventry are hereby repealed.

Costs of Act.

32. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys to be borrowed under the provisions of this Act.

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