CHAPTER xvi.

An Act to authorise the urban district council of Egremont to construct and maintain waterworks and supply water and for other purposes. [25th June 1912.]

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WHEREAS by the Egremont Local Board Waterworks Act 1881 (in this Act called "the Act of 1881") the local board for the district of Egremont the predecessors of the urban district council of Egremont (in this Act called "the Council") were authorised to construct waterworks and supply their district with water: 44 & 45 Vict. c. cxxiii.

And whereas the works authorised by the Act of 1881 have not been constructed and the powers conferred by it have not been exercised:

And whereas the urban district of Egremont in the county of Cumberland (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Council:

And whereas the Council under and in pursuance of the provisions of the Public Health Acts by agreement with the urban district council of Arlecdon and Frizington obtain water from that authority for the supply of the inhabitants of the district:

And whereas the supply of water obtained in pursuance of such agreement is inadequate and it is expedient that the water supply of the district should be improved and increased and that the Council should be empowered to construct and maintain the waterworks and to take and supply water as in this Act provided:

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And whereas it is expedient that such other provisions as are contained in this Act be made in regard to the supply of water by the Council:

And whereas it is expedient that the Council be enabled to raise moneys for the purposes of this Act:

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

(*a*) For the purchase of lands and easements and for the construction of the waterworks by this Act authorised the sum of twenty-seven thousand five hundred pounds;

(*b*) For the relaying of certain distributing mains and for new mains to supply the houses to be built by the Council the sum of one thousand pounds:

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the Council at a meeting held on the thirty-first day of October one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Cumberland Pacquet a local newspaper 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 district fund and general district rate:

And whereas the said 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 whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the second day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the waterworks 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 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 hereinafter 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 King'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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Egremont Urban District Water Act 1912.

Incorporation of Acts.

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 and form part of this Act (namely):—

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(*a*) the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(*b*) Sections 75 to 82 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 section 83 relating to accounts:

(2) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation

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of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the intercepting dam or intake weir the intake or settling tank and the reservoir authorised by this Act and "the centre of the railway" means the boundaries of each of those works respectively.

Interpretation.

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 and for the purposes of this Act the expressions "the undertakers" and "promoters of the undertaking" in the Acts incorporated with this Act mean respectively the Council And in this Act—

The expression "the Council" means the urban district council of Egremont;

The expression "the district" means the urban district of Egremont;

The expression "the Act of 1881" means the Egremont Local Board Waterworks Act 1881;

The expression "the Act of 1910" means the Egremont Urban District Council (Gas) Act 1910;

The expressions "the district fund" and "the general district rate" respectively mean the district fund and general district rate of the district;

The expression "the limits of supply" means the limits within which the Council are authorised by this Act to supply water;

The expressions "the works" "the waterworks" and "the undertaking" respectively mean and include the waterworks and works connected therewith by this Act authorised to be made or maintained by the Council and any improvement or extension thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges and effects connected therewith;

The expression "fittings" includes pipes meters cocks ferrules valves soilpans waterclosets baths cisterns and

other apparatus used in connection with a supply of water; A.D. 1912.

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed or of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rent-charges or securities transferable by delivery or any securities of the Council.

Limits of supply.

4. The limits of this Act within which the Council are hereby authorised to supply water shall be the district.

PART II.

WORKS AND LANDS.

Power to make works.

5. Subject to the provisions of this Act the Council may wholly in the county of Cumberland and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited books of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 An intercepting dam or intake weir and gauge wholly in the parish of Ennerdale and Kinniside to be situate on Wormgill Beck thirty-three yards south of the junction of Bleaberry Gill with Wormgill Beck:

Work No. 2 An intake or settling tank (to be called "the intake tank") wholly in the said parish of Ennerdale and Kinniside to be situate on the west side of Wormgill Beck two hundred and seventy-six yards south of the junction of Hole Gill with Wormgill Beck and one thousand three hundred and fifty-six yards north north-east of the junction of Swarth Beck with Wormgill Beck:

Work No. 3 An aqueduct conduit or line of pipes in the parishes of Ennerdale and Kinniside and Haile commencing in the Work No. 2 hereinbefore described and

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terminating in a field or inclosure numbered 134 on the Ordnance map of the parish of Haile (scale $\frac{1}{2500}$ 2nd edition 1899):

Work No. 4 A service reservoir wholly in the parish of Haile to be situate on part of certain fields and enclosures numbered 74 134 and 139 on the Ordnance map of the parish of Haile (scale $\frac{1}{2500}$ 2nd edition 1899):

Work No. 5 An aqueduct conduit or line of pipes in the parishes of Haile St. John Beckermet and Egremont commencing in the service reservoir Work No. 4 hereinbefore described in a field or enclosure numbered 74 on the Ordnance map of the parish of Haile (scale $\frac{1}{2500}$ 2nd edition 1899) and terminating by a junction with the existing main of the Council in a field or enclosure numbered 431 on the Ordnance map of the parish of Egremont (scale $\frac{1}{2500}$ 2nd edition 1899) at a point seventy-two yards north-west of the south-east corner of such field measured along the east fence thereof.

Power to make subsidiary works.

6. In addition to the foregoing works the Council may upon any of the lands shown on the deposited plans and for the time being belonging to the Council make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells boreholes water towers stand pipes overflows washouts waste-water channels gauges filter beds tanks banks walls fences bridges embankments piers approaches engines pumps machinery telegraphs telephones and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Accommodation for workmen.

7. The Council or their contractors shall to the reasonable satisfaction of the medical officer of health for the sanitary areas wherein any portion of the works authorised by this Act will be situate erect fit up and maintain proper and sufficient huts or other buildings required for the accommodation of the workmen employed by the Council and their contractors and the Council shall provide and pay all reasonable costs in connection therewith.

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Any medical officer of health or other person authorised by the local sanitary authority acting in execution of the Public Health Acts for any district in which such huts or other buildings are erected and maintained shall be entitled at any time to enter into and inspect and examine any such huts or other buildings in order to ascertain that the same are provided with proper and sufficient sanitary arrangements If such person be obstructed in the performance of his duty under this section the person so obstructing shall be liable on summary conviction to a fine not exceeding forty shillings.

If the Council or their contractors fail to erect fit up and maintain such huts or other buildings as required by this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the local sanitary authority in whose district such huts or other buildings are required to be erected and maintained.

Limits of deviation.

8. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding twelve feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

9. If the works authorised by this Act and delineated on the deposited plans and sections are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Council may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require.

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Application of Waterworks Clauses Act 1847 to aqueducts discharge pipes and telephones.

10. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down for the purposes of their undertaking.

For protection of Postmaster-General.

11. Any telegraphic or telephonic apparatus made maintained erected or laid down by the Council under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to take lands.

12. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

For protection of County Council of Cumberland.

13. Nothing in this Act contained shall empower the Council to acquire the road and bridge or any part thereof numbered on the deposited plans 5A (Public road (South street) and bridge over the River Ehen) in the parish of Egremont.

For protection of London and North Western and Furness Railway Companies.

14. The following provisions for the protection of the London and North Western Railway Company and the Furness Railway Company (hereinafter referred to as "the railway companies") shall unless otherwise agreed between those companies and the Council have full force and be binding upon the Council:—

(1) The aqueduct conduit or line of pipes No. 5 shall be carried over the railway of the railway companies by means of the bridge numbered 28 on the deposited plans in the parish of St. John Beckermet and shall be constructed laid and maintained of such material and in such position and at such a depth below the surface of the road as may be approved by the principal engineer of the railway companies and such aqueduct conduit or line of pipes shall not exceed twelve inches in diameter and so as in no way to interfere with the structure of the bridge:

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(2) In carrying the said aqueduct conduit or line of pipes No. 5 over the railway of the railway companies as also in effecting the maintenance repairs and renewals of the said aqueduct conduit or line of pipes the same and all works connected therewith shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway companies and before commencing any such works the Council shall deliver to the said engineer plans sections and specifications of the works proposed to be executed and such plans sections and specifications shall be delivered at least twenty-eight days before the commencement of any such work and if at the expiration of twenty-eight days from such delivery the plans sections and specifications shall not be approved by the said principal engineer there shall be deemed to be a difference which difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned and all such works shall when commenced be completed with due despatch in accordance with such plans sections and specifications as aforesaid and shall be executed by and in all things at the expense of the Council and so as not to cause any injury to the said bridge railway works lands or property or interruption to the passage or conduct of the traffic over the said railway and if any injury shall arise to the said bridge railway works lands or property or interruption to such traffic the Council shall make full compensation to the railway companies in respect of such injury or interruption:

(3) The Council shall at all times maintain the said aqueduct conduit or line of pipes and all other works connected therewith where the same are carried across the railway works or property of the railway companies in substantial repair and good order and coudition to the reasonable satisfaction of the said principal engineer and if and whenever the Council fail so to do the railway companies may make and do in and upon as well the lands of the Council as their own lands all such works and things as may be reasonably requisite in that behalf and the sum from

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time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to them by the Council Provided that the railway companies shall not (except in cases of emergency) do any such works and things unless they shall have given to the Council seven days previous notice requiring the Council to do such works and things and the Council shall have failed to do such works and things:

(4) If at any time hereafter the railway companies shall require to make any alterations of or to widen the said railway or works or to increase the railway accommodation where the said line of pipes will cross the same the railway companies may on giving to the Council fourteen days notice in writing under the hand of their principal engineer and in case of emergency of which the said principal engineer shall be the sole judge on giving such notice as the circumstances will admit make such alterations of and additions to the said line of pipes and the works connected therewith as may in the opinion of the said principal engineer be necessary for facilitating the carrying out of such alteration or widening of the said railway and works or to provide such increased accommodation as aforesaid doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works:

(5) If by reason of any works or proceedings of the Council or of their contractors or of their workmen or of the leakage bursting or failure of the line or lines of pipes or other works of the Council the said bridge or railway or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Council at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the railway companies may make good the same and recover the reasonable expense thereof from the Council and if any interruption shall be caused to the traffic of the said

railway by reason of any of the works of the Council or of any such leakage bursting or failure as aforesaid the Council shall make good and repay to the railway companies any loss damage or expense which they may sustain or be put to by reason of the construction or the leakage bursting or failure of the said aqueduct conduit or lines of pipes or works or in respect of the interruption of the traffic of the said railways:

(6) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Council shall not without the previous consent of the railway companies under their common seal purchase or acquire any lands or property of the railway companies but the Council may purchase and take and the railway companies shall sell and grant accordingly an easement or right of using so much of the lands of the railway companies as may be necessary for the crossing of the aqueduct conduit or line of pipes No. 5 over the said railway by the said bridge:

(7) The Council shall bear and on demand pay to the railway companies the reasonable expense of the employment by them during the making or maintenance of the line or lines of pipes No. 5 and all works connected therewith across the said railway and works of a sufficient number of inspectors and signalmen to be appointed by the railway companies for watching the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of such portion of the works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council with reference thereto or otherwise:

(8) In laying down or executing or in effecting the repairs and 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 companies or the bridges approaches viaducts stations or other

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works or any level crossings over the railways of the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner hereinafter provided and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station 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 Council shall make compensation in respect thereof to the said railway companies Provided that if the said engineer does not express disapproval of such plans within twenty-eight days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Council may execute the work without his superintendence Provided also that if urgent repairs are required in case of accident the railway companies will dispense with the previous approval of plans as aforesaid but such notice must be given as the circumstances will admit and the work must be carried out to the reasonable satisfaction of their principal engineer:

(9) Any dispute or difference which may arise between the railway companies and the Council with reference to

the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway companies and the Council or either of them and the Arbitration Act 1889 shall apply thereto.

Limiting quantity of commonable land to be taken.

15. The quantity of land which may be taken by the Council from the common or commonable land known as Kinniside Common in the parish of Ennerdale and Kinniside under the powers conferred upon them by this Act shall be only so much thereof as is required for the construction of Works Nos. 1 and 2 by this Act authorised and notwithstanding anything contained in this Act or shown on the deposited plans and sections the Council shall not purchase or acquire any part of such common or commonable lands for the purposes of the construction of Work No. 3 by this Act authorised but the Council may purchase and take and the owners and occupiers of such common or commonable lands shall sell and grant an easement or right of using so much of such common or commonable lands as may be necessary for the construction maintenance and repair of the Work No. 3 by this Act authorised.

For protection of Kinniside Common.

16. The Council shall after they have constructed and laid the aqueduct conduit or line of pipes (Work No. 3) across Kinniside Common restore the surface of such common over such aqueduct conduit or line of pipes as nearly as possible to its previous condition.

Council may acquire easements only in certain cases.

17.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or

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sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Period for compulsory purchase of lands.

18. The powers of the Council for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to purchase lands by agreement.

19. The Council in addition to any other lands acquired by them in pursuance of this Act may for the purposes of this Act by agreement purchase take on lease acquire and hold any lands and hereditaments not exceeding in the whole five acres which the Council may require for the purposes of their works and undertaking but the Council shall not create or permit the creation or continuance of a nuisance on any such lands nor erect any buildings thereon except such offices buildings and works as may be incident to or connected with the undertaking.

Persons under disability may grant easements &c.

20. 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 Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an 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.

Power to sell &c. lands.

21. The Council may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof.

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Reservation of water rights &c. on sale.

22. The Council on selling any lands acquired by them in connection with the undertaking and not required for the purposes thereof may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to take waters.

23. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of the waterworks the waters of Wormgill Beck and Bleaberry Gill and their several streams springs and tributary waters known as Long Grain Short Grain Red Gill and Hole Gill and all other springs streams and waters which will or may be intercepted directly or indirectly by the works by this Act authorised.

Water not to be abstracted except when flow in Wormgill Beck exceeds prescribed minimum.

24.—(1) The pipe leading from the said intake tank (Work No. 2) to the said service reservoir (Work No. 4) shall not exceed nine inches in diameter and on no occasion shall more than one such pipe be in use at the same time.

(2) All water taken from Wormgill Beck by means of the works by this Act authorised and not required for the purposes of the Council shall not be allowed to run to waste but shall be returned to Wormgill Beck or to the River Calder at some point above five hundred feet above Ordnance datum.

(3) A proper gauge shall be erected and maintained by the Council at the intercepting dam or weir Work No. 1 by this Act authorised on the Wormgill Beck through apertures in which five hundred thousand gallons of water in every day of twenty-four hours shall be allowed to pass and flow down the said beck and the said gauge shall be open to the inspection of the board of conservators of the West Cumberland Fishery District and of all persons interested therein.

(4) On any such day during such time as the flow of water in the Wormgill Beck shall be less than at the rate of five hundred thousand gallons per day of twenty-four hours the Council shall not be entitled to draw any water therefrom but during such time as the flow of such beck is in excess of the

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said rate the Council may take all or such part of the excess as they may require.

(5) In case of any neglect on the part of the Council to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of water mentioned in subsection (3) hereof shall not so pass and flow down the said beck the Council shall for every day on which such neglect or taking occurs forfeit and pay to the board of conservators of the West Cumberland Fishery District and to each of the persons affected thereby (who may within three months of such neglect or default sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(6) If any difference arises between the Council and any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President for the time being of the Institution of Civil Engineers and a submission under this subsection shall be deemed to be a submission under the Arbitration Act 1889.

(7) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the said beck and the tributaries thereof which the Council can abstract divert collect impound or appropriate by means of the works by this Act authorised.

For protection of Lord Leconfield.

25. Nothing herein contained shall prevent the Right Honourable Charles Henry Baron Leconfield and his sequels in estate from taking using or consuming the waters of the said Wormgill Beck and Bleaberry Gill and their several streams springs and tributary waters in such manner and to such extent as he might have done had this Act not been passed Provided that the said Charles Henry Baron Leconfield and his sequels in estate shall not return into the said beck or gill or any of their several streams springs or tributary waters above the works to be constructed by the Council under the authority of this Act any water taken or used by him or them and not consumed which may be discoloured or unclean.

Power to agree as to drainage of lands &c.

26. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such works.

Power to hold lands for protection of water-works.

27. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the undertaking.

Limiting powers of Council to abstract water.

28. The Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Prohibition of sheep washing.

29. If in the opinion of the Council it shall be expedient with the view of preserving the purity of the water to prohibit the washing of sheep in any of the waters within any drainage area from which water is by this Act authorised to be collected and appropriated the Council shall have power to prohibit such washing of sheep Provided that before the Council carry this provision into effect in respect of any place where it has been the practice to wash sheep the Council shall give seven days previous notice to the owners and occupiers of any such washing place by advertisement in a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable washing place :

Provided also that any person aggrieved by any prohibition issued by the Council under this section may within three

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months after the issue thereof appeal to a court of summary jurisdiction held for any district in which such prohibition is to take effect provided that he gives not less than fourteen days' notice of such appeal and of the grounds thereof to the Council and the court shall have power to cancel such prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and the court shall also have power to award costs such costs to be recoverable summarily as a civil debt.

Temporary discharge of water into streams.

30.—(1) For the purpose of enlarging extending repairing cleansing or examining any conduit or line of pipes or tank or reservoir constructed by the Council under the powers of this Act the Council may cause the water in such conduit or line of pipes or tank or reservoir to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

PART III.

SUPPLY OF WATER.

Rates for supply of water for domestic purposes.

31. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence:

Where such rateable value exceeds five pounds and does not exceed seven pounds the sum of eleven shillings:

Where such rateable value exceeds seven pounds and does not exceed twenty pounds at the rate of seven pounds ten shillings per centum of such rateable value:

Where such rateable value exceeds twenty pounds at a rate per annum not exceeding seven per centum of such rateable value. A.D. 1912.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Council may charge in respect of every fixed bath capable of containing not more than fifty gallons a sum not exceeding four shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Nothing in this section shall entitle the Council in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

Rates payable by owners of small houses.

32. Where a house supplied with water 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 if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Council not bound to supply several

33. The Council shall not be bound to supply more than one house by means of the same communication pipe and they

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may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

houses by one pipe.

Notice of discontinuance.

34. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Byelaws for preventing waste &c. of water.

35.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of fittings to be used and forbid any arrangements and the use of any fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council 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 fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Supply by measure.

36. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply to houses partly used for trade &c.

37. The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same

occupier for any trade or manufacturing purpose for which water is required. A.D. 1912.

Price of supply by measure.

38. The price to be charged for a supply of water by measure shall not exceed one shilling per thousand gallons.

Limit of pressure.

39. The water supplied by the Council need not be constantly laid on under pressure until the works by this Act authorised are constructed.

Power to sell or let meters &c.

40. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any fittings to any person supplied by them with water.

Notice to Council of connecting or disconnecting meters.

41. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

42. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same

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from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply fittings.

43.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Provided as follows:—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest

upon any moneys borrowed for those purposes) and all sums applied to sinking fund for repayment of moneys so borrowed:

(*b*) Every sum charged by the Council in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer:

(*c*) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the undertaking for such year.

Power to lay pipes in private streets.

44. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street had been land dedicated to public use.

As to communication pipes.

45.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the district execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Contracts for supplying water in bulk.

46. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply

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shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

PART IV.

FINANCE.

Power to borrow.

47.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(*a*) For the purchase of lands and easements and for the construction of the waterworks by this Act authorised the sum of twenty-seven thousand five hundred pounds;

(*b*) For the relaying of certain distributing mains and for new mains to supply the houses to be built by the Council the sum of one thousand pounds;

(*c*) For paying the costs and expenses of this Act the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the undertaking and the district fund and general district rate.

Section 234 of Public Health Act not to apply.

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

Periods of repayment of money borrowed.

49. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (*a*) and (*b*) mentioned in the section of this Act the marginal note whereof

is "Power to borrow" within thirty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purpose (*c*) in the said section mentioned within five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

Application of financial provisions of Act of 1910.

50. The following sections of the Act of 1910 shall with any necessary modifications extend and apply mutatis mutandis to the moneys borrowed under this Act as if the same were re-enacted in this Act (namely):—

Section 57 (Method of raising money).

Section 58 (Provisions of Public Health Act as to mortgages to apply).

Section 60 (Method of payment off of money borrowed).

Section 61 (Sinking fund).

Section 62 (Protection of lender from inquiry).

Section 63 (Council not to regard trusts).

Section 66 (Application of money borrowed).

Section 67 (Proceeds of sale of surplus lands).

Power to re-borrow.

51.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to Local Government Board as to repayment of debt.

52.—(1) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk to the Council showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk to the Council shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of

mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1912.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has ~~been made shall be paid or applied as in such order mentioned~~ and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Application of revenue of undertaking.

53. The Council shall apply all moneys received by them in respect of the undertaking except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of the undertaking:

Fourthly In extending improving and constructing (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one fifth of the aggregate capital expenditure for the time being upon the undertaking which fund shall be applicable to answer any deficiency at any time happening

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in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the full amount of one fifth of the said aggregate capital expenditure:

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to one fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending the undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

54. Any deficiency in the revenues or receipts of the Council on account of the undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

PART V.

MISCELLANEOUS.

Informations by whom to be laid.

55. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made hereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence of appointments authority &c.

56. Where in any legal proceedings taken by or on behalf of the Council under this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such

appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1912.

Authentication and service of notices &c.

57.—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act may subject to the provisions of this Act be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Penalties to be paid over to treasurer.

58. All penalties recovered by the Council or other officer of the Council on their behalf whether under this Act or any byelaw hereunder shall be paid to the treasurer of the Council and subject to the provisions of the Police Act 1890 shall be carried by him to the credit of the district fund or to such other fund as the Council direct.

Recovery of demands.

59. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Judges &c. not disqualified.

60. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Power to Local Government Board to direct inquiries.

61.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Differences with road authorities or companies.

62. If any difference arise between the Council and any road authority or railway canal or other company whose lands or works the Council have power to cross under the authority of this Act as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Repeal of Act of 1881.

63. The Act of 1881 is hereby repealed.

Expenses of Act.

64. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining the passing of this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act) or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and shall be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

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