CHAPTER xi.

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An Act to transfer to the Local Board for the District of Fulwood in the County Palatine of Lancaster the Powers conferred by the Lancashire County Justices Act 1880 for constructing Waterworks and supplying Water to the Whittingham County Lunatic Asylum, and to authorise the Local Board to supply Water within their District and other Places, and to make further provisions in that behalf. [19th May 1882.]

WHEREAS by the Lancashire County Justices Act 1880 the justices of the county palatine of Lancaster or the committee of visitors of the lunatic asylum for the said county at Whittingham were empowered to construct waterworks for supplying the said lunatic asylum and to borrow for the purpose sums not exceeding twenty thousand pounds : 43 & 44 Vict. c. xxi.

And whereas by the Lancashire County Justices Act 1881 after reciting to the effect that the works authorised by the said Act of 1880 had not been commenced and that the necessity for them might be obviated if the said justices and sanitary authorities were empowered to enter into contracts for the supply of water to the said asylum it was enacted (section thirty-one) to the effect that the committee of visitors for the time being of the asylum might enter into and carry into effect contracts for the supply of water in bulk or otherwise to the asylum : 44 & 45 Vict. c. xcv.

And whereas the district of the Local Board for Fulwood in the said county palatine and the townships or places of Whittingham Haighton Goosnargh-with-Newsham and Broughton all in the said county are inadequately supplied with water and the justices of the said county palatine and the Local Board are desirous and it is expedient that the powers of constructing waterworks conferred by the Lancashire County Justices Act 1880 be transferred to the Local Board on consideration of their affording a supply of water to the

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Whittingham County Lunatic Asylum and that the Local Board be authorised to supply water within the said district townships or places :

And whereas it is also expedient that for the purposes of such supply the Local Board be empowered to construct the waterworks described in this Act and to borrow money for the purposes of this Act and that the said justices be empowered to raise and contribute to the construction of the works authorised by the said Act of 1880 and this Act the said sum of twenty thousand pounds :

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

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the works authorised by this Act and by the Lancashire County Justices Act 1880 all being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 and such estimates amount to the sum of twenty-eight thousand five hundred pounds :

38 & 39 Vict. c. 55.

And whereas plans and sections of the waterworks by this Act authorised showing the lines and levels thereof and the lands which are required therefor and for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act referred to as "the deposited plans sections and book of reference" respectively :

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the thirtieth day of November one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Preston Chronicle (a local newspaper circulating in the district of the Local Board) such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be paid out of the general district rate :

And whereas such resolution was published twice in the Preston Chronicle (a local newspaper circulating in the district of the Local Board) 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 Local Board at a further special meeting held in pursuance of a

similar notice on the thirtieth day of December one thousand eight hundred and eighty-one 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 district of the Local Board in manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 Fulwood and Whittingham Water Act 1882.

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

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) are hereby so far as they are not varied by or inconsistent with this Act incorporated with this Act and for the purposes of such incorporation the Local Board shall be deemed to be "the promoters of the undertaking" or "the undertakers."

Interpretation.

3. In this Act unless the context otherwise requires—

"The justices" means the justices of the peace for the county palatine of Lancaster in annual general session or special session or any adjournment thereof assembled:

"The clerk of the peace" means the clerk of the peace for the time being of the said county:

"The asylum" means the lunatic asylum for the said county situate at Whittingham in the said county with all the buildings and appurtenances thereof:

"The committee of visitors" means the committee of visitors for the time being of the asylum under the Lunatic Asylums Act 1853: 16 & 17 Vict. c. 97.

"The Local Board" means the Local Board for the district of Fulwood in the said county:

"The Act of 1880" means the Lancashire County Justices Act 1880:

Terms to which meanings are assigned by any of the Acts incorporated herewith have in this Act the same respective meanings Provided that the expression "superior courts" or "court of

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competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Transfer of powers for construction of water-works under Act of 1880 to Local Board.

4. The Local Board may make construct and maintain the reservoir and works described in and authorised by Part I. of the Act of 1880 and all the powers in that behalf conferred on the undertakers by the said Act are hereby transferred to and may be exercised and put in force by the Local Board subject to the provisions of the Act of 1880 and of this Act and all lands houses streams estates interests rights of way and other easements which may be acquired by the Local Board in the exercise of those powers shall be conveyed to the Local Board but the approval of the Commissioners in Lunacy and of one of Her Majesty's Principal Secretaries of State shall not be required to such construction and maintenance as aforesaid.

Extension of time for purchase of lands and completion of works under Act of 1880.

5. The period limited by the Act of 1880 for the compulsory purchase of lands is hereby extended to three years from the date of the passing of this Act and the period limited by the Act of 1880 for completion of works is hereby extended to five years from the date of the passing of this Act.

Power to construct works authorised by this Act.

6. Subject to the provisions of this Act and in addition to the works authorised by the Act of 1880 the Local Board may make construct and maintain the reservoir conduits and works hereinafter described and authorised and may enter on take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which may be required for that purpose.

Description of authorised works.

7. The reservoir and works authorised by this Act are—

1. A conduit aqueduct or line of pipes commencing in the township of Goosnargh-with-Newsham in a field on the Woodfold Farm at a point about twenty yards north of the farm-house and terminating in the township of Goosnargh-with-Newsham at the north-westerly end of and forming a junction and communicating with the intended conduit aqueduct or line of pipes described in sub-section three of section eight of the Act of 1880 at a point on the stream in a pasture field called Pit Mouth field in the said township of Goosnargh-with-Newsham :
2. A conduit aqueduct or line of pipes commencing at a point in the township of Whittingham at or near the centre of the

gateway at the north entrance to the Lancashire County Lunatic Asylum at Whittingham and terminating at the north side of the reservoir herein-after described:

3. A reservoir in the township of Haighton of a circular shape occupying an area of one thousand five hundred square yards or thereabouts at or near a point in a field two hundred yards or thereabouts west of Haighton Hall and one hundred yards or thereabouts north of the road leading from Broughton to Longridge:

4. A conduit aqueduct or line of pipes commencing in the township of Haighton at the south side of the reservoir herein-before described and terminating in the township of Fulwood at or near a point in a field near the south-west angle or corner of the road leading from Cow Hill to Haighton House where that road joins the footpath leading from Clock House:

5. A conduit aqueduct or line of pipes commencing in the township of Haighton by a junction with the proposed conduit aqueduct or line of pipes lastly herein-before described at a point where the same crosses the road leading from Broughton to Longridge at a distance of one hundred yards or thereabouts measured from the south side of the reservoir herein-before described and terminating in the township of Fulwood on the south-west side of the bridge crossing the Savock Brook near to Haighton House with all proper embankments sluices dams weirs gauges tunnels filters roads approaches and other works and conveniences.

All the said intended works will be situate within the several townships of Goosnargh-with-Newsham and Whittingham in the parish of Kirkham and in the township of Haighton in the parish of Preston and in the township of Fulwood in the parish of Lancaster all in the said county of Lancaster.

Limits of deviation.

8. In the construction of any of the works hereby authorised the Local Board may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels of such works as shown on the deposited sections to any extent not exceeding three feet in the case of a reservoir and not exceeding five feet in any other case Provided that the Local Board shall not in the exercise of the powers of lateral deviation hereby given construct any embankment or wall of the reservoir of a greater height above the general surface of the ground than the corre-

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sponding embankment or wall shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

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

Period for completion of works.

10. The reservoir conduits aqueducts and pipes authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for executing such works shall cease to be exercised except as to so much of the said works as shall then be completed Provided that nothing in this Act contained shall extend or be construed to extend to restrain the Local Board from extending their mains and pipes or from laying down and making larger or additional mains and pipes from time to time whenever it shall be necessary for the purpose of supplying water for the purposes of this Act.

For protection of the corporation of Manchester.

11. For the protection of the mayor aldermen and citizens of the city of Manchester herein-after called the corporation the following provisions shall have effect (that is to say) :—

42 & 43 Vict. c. xxxvi.

(1) Prior to the execution of any works by this Act authorised within the limits of deviation shown upon the deposited plans referred to in the Manchester Corporation Waterworks Act 1879 the undertakers shall give one calendar month's notice in writing to the town clerk of the city of Manchester and all works executed within such limits shall be executed under the superintendence of and to the reasonable satisfaction of the engineer of the corporation :

(2) In the execution and maintenance of the works by this Act authorised the works shall be so constructed and maintained as not to interfere with the line level position and construction of the intended aqueduct of the corporation sanctioned by the Manchester Corporation Waterworks Act 1879 and as delineated on the said deposited plans and sections and so that the works shall be self-supporting and independent of the intended aqueduct of the corporation The works shall be executed according to plans sections and drawings previously submitted to and approved in writing by the engineer of the corporation and at such level as shall be shown upon such sections and approved as aforesaid :

(3) If by reason of the execution of the works by this Act authorised any water main pipe or conduit of the corporation be injured or any additional or increased length of main pipe or

conduit become requisite the corporation at the expense of the undertakers in all things may make such repairs connexions and additions as may be required provided that if the corporation neglect after reasonable notice to make the same they may be made by the undertakers:

(4) If by reason of the execution of any of the works by this Act authorised any interruption be occasioned to the supply of water by the corporation the undertakers shall forfeit and pay to the corporation the sum of fifty pounds for every day during which such interruption shall continue and the corporation may recover the same with full costs of suit in any court of competent jurisdiction:

(5) If any difference arise between the corporation and the undertakers touching this section or anything to be done or not to be done or any money other than a penalty to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on the application of either of the parties) by the president for the time being of the Institution of Civil Engineers:

(6) Nothing in this Act contained shall prejudice or affect the rights of any authority under the provisions of the 81st and 82nd sections of the Manchester Corporation Waterworks Act 1879:

(7) Nothing in this Act contained shall prejudice or affect any of the rights or privileges of the corporation under their existing Acts or any Act or Acts incorporated therewith.

Power to acquire easements only in certain lands.

12. The Local Board may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the works by this Act authorised and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts: Provided that nothing herein contained shall authorise the Local Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them 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 proviso.

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Power to take water from certain springs and streams.

13. The Local Board may for the purposes of this Act divert into the reservoir authorised by the Act of 1880 and the conduits leading thereto by the said Act and this Act authorised and may thereby impound take use and appropriate the waters springs rivulets and streams in the township of Goosnargh-with-Newsham in the parish of Kirkham which now directly or derivatively flow or proceed into or supply the river Wyre.

Limits of Act for supply of water.

14. Subject to the provisions of this Act the Local Board are hereby authorised to supply water for public and private purposes to and within their district and the townships or places of Whittingham Haighton Goosnargh-with-Newsham and Broughton all in the county of Lancaster.

Local Board when so required to sell pipes &c. outside the district.

15. At any time after the passing of this Act the Local Board shall if required by the sanitary authority of any district within which pipes fittings and other apparatus for or connected with the distribution of water belonging to the Local Board are situate sell to that authority within the district of such authority all such pipes fittings and apparatus except such as are or may be required and used for supplying and conveying water into and for the district of the Local Board and the asylum at Whittingham at such price and on such terms and conditions as may be settled by agreement between the Local Board and that sanitary authority or failing such 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 after any such sale the powers of the Local Board to supply water within the district of that sanitary authority except to the said asylum shall cease.

Obligation of Local Board to supply Whittingham Asylum.

16. (1) From and after the completion of the works authorised by the Act of 1880 the Local Board shall in consideration of the contribution authorised to be made by the justices towards the construction of those works and of the works authorised by this Act be bound to supply and deliver free of charge to the asylum such quantity of water as the committee of visitors may from time to time by writing under the hand of their clerk require not exceeding ninety thousand gallons during any consecutive period of twenty-four hours :

(2) The Local Board shall also be bound subject to their first providing for the requirements of their district and of the townships or places of Whittingham Haighton Goosnargh-with-Newsham and Broughton to supply and deliver to the asylum such further quantity of water over and above the said quantity of ninety thousand gallons as the committee of visitors may from time to time

by writing under the hand of their clerk require not exceeding thirty thousand gallons during any consecutive period of twenty-four hours the justices paying therefor the sum of four pence halfpenny per one thousand gallons.

(3) If in any month during any consecutive period or consecutive periods of twenty-four hours the committee of visitors shall take altogether from the Local Board a less quantity of water than ninety thousand gallons then the committee shall be entitled to require the Local Board to supply free of charge during the current calendar month such extra quantity of water as would suffice to make up the average daily consumption of the current calendar month to ninety thousand gallons:

(4) Provided that nothing in this section shall entitle the committee of visitors in any case to require a supply exceeding two hundred and fifty thousand gallons during any consecutive period of twenty-four hours.

As to main pipe between Beacon Fell and the asylum.

17. (1) The Local Board shall not tap the main pipe between the reservoir authorised by the Act of 1880 (which main pipe is described in sub-section (5) of section eight of the said Act) and the asylum except with the written consent of the committee of visitors of the asylum:

(2) The Local Board shall place a valve in the said pipe for use in case (but only in case) of fire at the asylum at a point to be agreed on between the asylum and the proposed reservoir at Haighton which valve shall be under the control of the said committee of visitors.

Approval of committee of visitors to works.

18. The Local Board shall construct the works authorised by the Act of 1880 to the reasonable satisfaction of the committee of visitors who may by themselves their officers or servants from time to time enter on inspect and examine any of the said works and may by notice in writing under the hand of their clerk require the Local Board to make any alteration or addition or to do any other thing which in their opinion is necessary for the proper construction of the works according to the provisions of that Act and the Local Board shall afford all reasonable facilities and information for any such inspection and examination and shall comply with any requirement of the committee of visitors made pursuant to the provisions of this section:

Provided that any difference arising between the committee of visitors and the Local Board under this section shall be referred to and settled by arbitration in manner provided by the Common Law Procedure Act 1854 and any Act amending the same and and such

17 & 18 Vict. c. 125.

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reference may be made a rule of the High Court of Justice on the application of either party.

Protection of London and North-western and Lancashire and Yorkshire Railway Companies.

19. The following provisions for the protection of the London and North-western and Lancashire and Yorkshire Railway Companies shall have full force and effect and be binding upon the Local Board and their assigns both in respect of the railways and property jointly as well as those separately owned by those companies.

In laying down 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 said railway companies or either of them or the bridges approaches viaducts stations or other works or any level crossings of such railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway companies or of the company whose railway or property may be so affected and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Local Board who also shall make good and repair the roads over any such bridges level crossings and approaches which the said railway companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local Board 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 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 Local Board shall make compensation in respect thereof to the said railway companies or to such one of them as may be affected thereby the amount of such compensation together with full costs to be recoverable from the Local Board by all and the same means as any simple contract debt is recoverable.

Power for Local Board to borrow for construction of waterworks.

20. The Local Board may from time to time borrow on the security of the revenue of the water undertaking authorised by this Act and the Act of 1880 and of their district fund and general district rate (subject to the provisions of this Act) such sums as they may require for defraying the costs charges and expenses

preliminary and of and incident to the obtaining and passing of this Act the boring and search for water at or near Fulwood Row before the passing of this Act and the acquisition of land and the construction of the works authorised by the Act of 1880 and by this Act not exceeding in the whole fifteen thousand pounds. Provided that for the purpose of reckoning the period within which any sum reborrowed is to be repaid the sum reborrowed and the original loan shall be deemed to form the same loan.

Power to mortgage district fund and general district rate.

21. For securing any moneys which they are authorised to borrow or reborrow under the authority of this Act the Local Board may from time to time mortgage the revenue of their water undertaking and their district fund and general district rate and for the purpose of such mortgages sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 shall apply as if they were with any necessary modifications re-enacted in this Act.

Period for discharge of borrowed moneys.

22. The Local Board shall out of the revenue of the water undertaking and the district fund and general district rate discharge or make provision for the discharge of all moneys secured by mortgages granted by them under the authority of this Act by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within a period of sixty years from the time when such moneys are respectively borrowed but the Local Board shall not be bound to create any sinking fund or to commence any payment by instalment or any appropriation or setting apart of any moneys for the purposes of any sinking fund or instalments until the expiration of five years from the passing of this Act.

Power to re-borrow.

23. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-yearly instalments appropriations or annual repayments or out of the sinking fund they may reborrow the same and so from time to time.

Regulations as to sinking fund.

24. If the Local Board determine to pay off by means of a sinking fund any moneys borrowed by them on mortgage under the authority of this Act the following regulations shall be observed—

(i) Such equal yearly or half-yearly sums shall be paid by the Local Board out of the revenue of the water undertaking and the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds ten shillings per centum per annum

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would be sufficient to pay off the moneys borrowed within such period not exceeding sixty years from the date of borrowing the same as the Local Board may in each case determine:

(ii) All sums paid into the sinking fund shall as soon as may be be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Local Board in like manner:

38 & 39 Vict. c. 83.

(iii) The Local Board may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created:

(iv) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied:

(v) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual return to Local Government Board.

25. The clerk of the Local Board shall within one month after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund in respect of moneys borrowed by the Local Board 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 or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities on 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 interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year. In the event of wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds which may be recovered by the Local Government Board in any court of summary jurisdiction.

Power of Local Government Board to enforce provisions as to sinking fund.

26. If it appears to the Local Government Board by that return or otherwise that the Local Board have failed to pay any instalment or set apart any sum required for any sinking fund or have applied any portion of the money so set apart or of the sums accumulated by way of interest to any purposes other than those authorised they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice and the provisions of this and the preceding section shall mutatis mutandis apply to appropriations and annual repayments.

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

27. (1) The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another:

(2) Any moneys borrowed in manner by this section authorised shall be a charge on the revenue of the water undertaking and the district fund and general district rate and such revenue fund and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875:

(3) Every such loan shall be discharged within sixty years from the date of the same and such discharge or any part thereof may be effected by means of a sinking fund if the Local Board so think fit but the Local Board shall not be bound to create any such sinking fund or to set apart or appropriate any moneys for the purpose till the expiration of five years from the date of the passing of this Act:

(4) For the purpose of reckoning the period within which any sum reborrowed is to be repaid and of sections fourteen and fifteen of the Local Loans Act 1875 the original loan and the sums reborrowed shall be deemed to form the same loan.

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Priority of existing mortgages or other securities granted by Local Board.

28. All mortgages or debentures granted by the Local Board before the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages or other securities granted or issued by the Local Board in exercise of the borrowing powers conferred by this Act on the Local Board.

Rates for supply of water.

29. The Local Board may demand and take for the supply of water for domestic purposes (including waterclosets) within the district any rates and charges not exceeding the rates and charges following (that is to say):

When the annual rateable value of the premises so supplied with water does not exceed twenty pounds at a rate per centum per annum not exceeding six pounds:

Where such annual rateable value exceeds twenty pounds but does not exceed eighty pounds at a rate per centum per annum not exceeding five pounds:

Where such annual rateable value exceeds eighty pounds but does not exceed one hundred and sixty pounds at a rate per centum per annum not exceeding four pounds ten shillings:

Where such annual rateable value exceeds one hundred and sixty pounds at a rate per centum per annum not exceeding four pounds:

Provided that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house:

In this section "annual rateable value" means the rateable value according to the valuation list for the time being in force or if there is none then according to the last rate made for the relief of the poor.

Rates for extra waterclosets and private baths.

30. In addition to the rates computed as above specified the Local Board may charge—

Where there are more than two waterclosets in a house a sum not exceeding five shillings per annum for each watercloset after the second:

Where a dwelling-house is provided with a fixed bath or baths a sum not exceeding ten shillings per annum for each such bath:

Provided that the Local Board shall not be compellable to afford a supply of water for a bath holding more than sixty gallons.

Supply of water for other than

31. The Local Board may supply and use water for any public purpose and may supply any person with water for other than

domestic purposes for such remuneration and on such terms and conditions as may be agreed on between the Local Board and such person Provided that such use and supply shall not interfere with the supply of water for domestic purposes within the limits of this Act.

domestic purposes.

32. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner.

Rates payable by owners for small houses.

33. The Local Board and any person desirous of having a supply of water may agree that the rate or remuneration for such supply shall be determined by the quantity of water consumed to be ascertained by a meter to be provided or approved by the Local Board and may agree on the amount or rate of the remuneration to be paid for such supply Provided that such rate or remuneration be charged equally to all persons under similar circumstances.

Rate for water may be ascertained by meter.

34. Every water consumer having a meter or meters whereby any water supplied by the Local Board is registered shall keep such meter or meters in proper order at his own expense in default whereof the Board may cease to supply water through such meter or meters.

Repair of meters.

35. If any water consumer leave the premises to which water has been supplied without paying to the Local Board the water rate or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Local Board or with the defaulting consumer to pay the arrears but the Local Board shall supply water to the incoming tenant on the terms and conditions prescribed by this Act if required so to do.

Incoming tenant not to be liable for arrears of water rate except by express agreement.

36. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with "the consent in writing of the owner or reputed owner of any such "house or of the agent of such owner" were omitted therefrom and any rent paid by an occupier in pursuance of the provisions of that section may be deducted by the occupier from any rent from time to time due from him to the owner.

Amendment of section forty-four of 10 & 11 Vict. c. 17.

37. In case any person supplied with water by the Local Board neglects or refuses to pay the amount due in respect of such supply any justice may issue his summons to such person requiring him to

Recovery of charges for water.

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appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause is shown to the contrary any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person together with such costs including the cost of cutting off the water if the same shall have been cut off by the Local Board as to such justice may seem just and reasonable Provided always that the remedies of the Local Board under this and the next following section shall be in addition to their other remedies.

Warrant of distress shall include costs.

38. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of such money.

Judges &c. not disqualified.

39. 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 water-rent meter-rent or any charge payable to the Local Board under this Act.

Application of revenue from waterworks.

40. The Local Board shall keep separate capital and revenue accounts in respect of their water undertaking and shall apply all rates or sums received by them for the supply of water and all other receipts and credits on account of the waterworks of the Local Board except borrowed money and other receipts on capital account as follows—

First. In payment of their costs charges and expenses of and incidental to the collection and recovery of water-rents and rates and of the borrowing of money under this Act:

Secondly. In payment of the expenses of maintenance including any rentcharge payable under this Act and management of their waterworks undertaking:

Thirdly. In payment of the interest on mortgages or other securities created or granted under the provisions of this Act:

Fourthly. In providing any instalments appropriations or other sums for repayment of borrowed moneys or any sums required to be set apart and carried to any sinking fund provided in pursuance of this Act or of the Local Loans Act 1875:

Any balance remaining after the purposes aforesaid are effected shall be paid into and form part of the district fund:

The accounts of the Local Board under this Act shall be audited in like manner as their other accounts are audited under the Public Health Act 1875.

Power of justices to contribute to construction of works.

41. (1) The justices may from time to time order and direct that any sums not exceeding in the whole twenty thousand pounds shall be contributed towards the expense of constructing the works authorised by the Act of 1880 and by this Act and may give such directions as they see fit to the county treasurer respecting the time or times and mode and conditions of the payment to the Local Board of any sums so ordered to be contributed:

(2) The justices may from time to time borrow on mortgage of the rates on the security of which they are authorised to borrow under the Lunatic Asylums Act 1853 any sums so ordered to be contributed or may raise all or any of such sums by the creation and issue of Lancashire county stock under and subject to the provisions of the Lancashire County Justices Act 1881 and of this Act:

Provided that all moneys borrowed by the justices in manner provided by the Lunatic Asylums Act 1853 for purposes of this Act shall be repaid within sixty years from the time or respective times of borrowing the same.

As to county stock created by justices.

42. In the case of any county stock issued by the justices under the authority of this Act the contributions required from time to time to provide the sums directed by the Lancashire County Justices Act 1881 to be carried to the loans fund under that Act shall be payable out of the rates on the security of which the justices are authorised to borrow under the Lunatic Asylums Act 1853 and the contributions to such fund for redemption of any county stock issued under the authority of this Act shall be of such amounts as will provide for the redemption of such stock within a period of sixty years from the time or respective times of issue thereof.

Protection of lenders from inquiry.

43. A person lending money to the Local Board or to the justices under this Act shall not be bound or entitled to inquire as to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Power of Local Government Board to authorise justices to

44. (1) If the Local Board fail to proceed with the construction of the works authorised by the Act of 1880 to the reasonable satisfaction of the justices they may complain to the Local Government Board and that Board may direct a local inquiry into the

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proceed with works on default of Local Board.

matter to be held by one of their inspectors as if the matter arose under the Public Health Act 1875:

(2) If satisfied on the report of such inspector or otherwise that such complaint is well founded the Local Government Board may by order authorise the justices to proceed with the construction of the said works instead of the Local Board and thereupon the justices shall have the powers conferred by Part I. of the Act of 1880 as amended by this Act to the exclusion of the Local Board subject to such terms and conditions as the Local Government Board may think fit to impose in such order:

(3) Any order of the Local Government Board under this section may be enforced by writ of Mandamus to be obtained by the justices out of the High Court of Justice.

On completion of works powers granted to justices under Act of 1880 to be repealed.

45. On the completion of the works authorised by the Act of 1880 and this Act all the provisions of the Act of 1880 with reference to the construction of works by the justices shall be and the same are hereby repealed.

Expenses of Act.

46. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the general district rate and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act.

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