CHAPTER xxxvii.

An Act to authorise the transfer of the Knaresborough Waterworks to the Corporation of Harrogate and to enable them to supply water in Knaresborough and adjoining places. [30th June 1903.] A.D. 1903.

WHEREAS the borough of Harrogate is under the management and local government of the mayor aldermen and burgesses of the borough who acting by the council are the council of the urban district which comprises the borough:

And whereas under the provisions of the Harrogate Corporation (Waterworks Transfer) Act 1897 (in this Act referred to as "the Act of 1897") the Corporation are the owners of the waterworks which supply water throughout the borough and certain districts adjoining thereto:

And whereas by an Act passed in the fourth year of the reign of His Majesty King George III. (in this Act referred to as "the Act of 1764") Leonard Atkinson and John Lomas their heirs and assigns were empowered to construct waterworks and to supply water within the limits therein stated and the said waterworks were transferred to and vested in the improvement commissioners hereinafter referred to:

And whereas by an Act passed in the fourth year of the reign of His Majesty King George IV. (in this Act referred to as "the Act of 1823") certain improvement commissioners for whose appointment provision was in that Act contained were authorised to exercise within the limits defined by that Act certain powers of paving lighting and watching:

And whereas the Knaresborough Urban District Council as the successors of the said improvement commissioners are the owners of the said waterworks and water undertaking and have for

A.D. 1903

many years past been supplying water within the limits aforesaid but such supply being drawn from the River Nidd has been found to be liable to contamination:

And whereas the Knaresborough Urban District Council have agreed with the Corporation to transfer to them the said water-works and water undertaking to the intent that the Corporation shall supply water within the limits aforesaid from other sources than the River Nidd and it is expedient that the agreement as set forth in the Schedule to this Act should be confirmed:

And whereas the council have borrowed moneys in respect of their water undertaking of which the sum of seven thousand five hundred and forty-four pounds thirteen shillings and twopence is now outstanding:

And whereas an estimate of the cost of laying the necessary mains for connecting the mains of the council with the mains of the Corporation with certain extensions in the parish of Scriven has been prepared and amounts to the sum of two thousand four hundred and fifty-five pounds six shillings and tenpence:

And whereas it is expedient that the Corporation should be empowered to borrow money for the purposes of this Act:

And whereas it is expedient that the further powers in this Act contained should be conferred on the Corporation:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of October one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Harrogate Herald a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting passed a resolution in favour of the promotion of the Bill for this Act and resolved that the expense of promoting the said Bill should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the Harrogate Advertiser a local newspaper published and circulating in the borough 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 twenty-third day of January one thousand

nine hundred and three being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1903.

And whereas the owners and ratepayers of the borough by resolution in the 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 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 (that is to say):—

Short title

1. This Act may be cited as the Harrogate Water Act 1903.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"The borough" means the borough of Harrogate in the west riding of the county of York;

"The urban district" means the urban district of Knaresborough in the said riding;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the urban district council of Knaresborough;

"The Knaresborough water limits" means the limits of the council for the supply of water as defined in the Knaresborough Improvement Act 1902 namely the urban district of Knaresborough the parish of Scriven and so much of the parish of Knaresborough Outer as is not within the limits of supply of the Harrogate Corporation.

Confirmation of agreement with council.

3. The agreement made the thirtieth day of October one thousand nine hundred and two between the Corporation of the one part and the council of the other part a copy of which is set forth in the Schedule to this Act (in this Act referred to as "the scheduled agreement") is hereby confirmed and made binding upon the parties thereto and they are hereby respectively authorised to carry the same into effect.

Extension of limits of supply.

4. As from the twenty-ninth day of September one thousand nine hundred and three or such other day if any not being later than the twenty-fifth day of December one thousand nine hundred and three as may be agreed upon between the Corporation and the council in lieu thereof (in this Act referred to as "the appointed day") the limits of the Corporation for the supply of water under the several statutory provisions whereby they are empowered to

A.D. 1903.

supply water shall be extended so as to include therein the whole area comprised in the Knaresborough water limits and the Corporation shall on the appointed day commence and thereafter shall continue to afford within the said water limits a supply of water adequate to the needs of the inhabitants thereof and the provisions contained in the Harrogate Corporation (Waterworks Transfer) Act 1897 and the Harrogate Water Act 1901 shall apply within such extended limits of supply.

Charges for water in extended limits.

5. The charges made by the Corporation in respect of water supplied or consumed within all parts of their limits of supply as extended by this Act shall be calculated upon a uniform basis for all consumers without respect to the locality in which their premises are situate.

Transfer of Knaresborough distribution works.

6. The council shall as from the appointed day transfer and assure to the Corporation and the Corporation shall accept and take over from the council all water mains valves implements and tools then vested in the council in connection with their water undertaking and situate within the Knaresborough water limits and the parcels of land adjoining Brewerton Street Knaresborough containing respectively twenty-seven perches and twenty-one perches and shown upon the plan attached to the deed of conveyance from William Ellison Esquire to the local board of health for the district of Knaresborough and Tentergate dated the fifth day of August one thousand eight hundred and seventy-two and thereon surrounded by a red line together with the cottage water tower water cisterns and other erections which existed thereon on the thirteenth day of March one thousand nine hundred and two (all which premises are together in this Act referred to as "the Knaresborough distribution works").

Outstanding loans of council to be paid off by Corporation subject to annual payments by council.

7.—(1) The Corporation shall pay off and as from the thirteenth day of March one thousand nine hundred and two shall in lieu of the council be liable for and shall indemnify the council against the debt of the council outstanding on the appointed day in respect of moneys borrowed by the council for the purposes of their water undertaking Provided that nothing in this section contained shall in any way affect any securities upon which such debt or any part thereof may be charged or any rights of the creditors in respect to such securities.

(2) As from the date of the last contribution made prior to the thirteenth day of March one thousand nine hundred and two the council shall in each year pay to the Corporation by way of contribution towards the payment off of the said debt the same sum

as was paid by the council in respect of the said debt during the previous financial year and shall continue to pay the same up to and until the appointed day. A.D. 1903.

Corporation to pay cost of certain water mains.

8.—(1) The Corporation shall on the appointed day pay to the council an amount equivalent to the cost of the water mains in the parish of Scriven laid down by the council during the year ended the thirteenth day of March one thousand nine hundred and two and of all new mains laid down by the council for the purpose of extension of their supply between the said thirteenth day of March and the appointed day provided in the case of such new mains that the same shall have been sanctioned by the Corporation or their waterworks engineer before the execution of the works but such sanction shall not be unreasonably withheld.

(2) Any moneys received by the council from the Corporation under the provisions of this section shall be carried to the credit of the district fund of the urban district.

Approval of Corporation to certain new works.

9. Until the transfer of the Knaresborough distribution works to the Corporation under this Act (in this Act referred to as "the transfer") no works shall be carried out by the council so as to increase the amount of the debt of the council in respect of their water undertaking without the previous approval of the Corporation.

Method of effecting transfer and payment of costs thereof.

10.—(1) The transfer shall be effected by a proper deed of conveyance which shall be executed by both the Corporation and the council and any further assurances and things which may be necessary for vesting the Knaresborough distribution works in the Corporation and for effecting the other purposes of this Act shall be duly executed and done by the Corporation and the council respectively.

(2) All costs charges and expenses of the council of and incident to the transfer shall be paid by the Corporation.

Temporary supply from Knaresborough Waterworks in case of emergency.

11. Until the waterworks which the Corporation are by the Harrogate Water Act 1901 authorised to construct at Masham are completed or abandoned the Corporation shall be at liberty to take and supply water obtained from the existing waterworks of the council in the events during the periods and under the conditions prescribed in the scheduled agreement but from and after the commencement of supply from the waterworks authorised by the Act of 1901 the Corporation shall abandon the waters of the River Nidd as a source of domestic supply.

A.D. 1903.

Re-purchase of part of Knaresborough works in certain events.

12.—(1) If after the transfer the Corporation shall at any time cease to use the parcels of land and the cottage water tower water cisterns and other erections thereon mentioned in the section of this Act whereof the marginal note is "Transfer of Knaresborough distribution works" or any part thereof they shall forthwith by notice in writing to the council offer the same for sale to the council and the council shall be at liberty if they so elect at any time within six months after receiving such notice to purchase the same at a price to be agreed upon between the Corporation and the council or failing ageement to be settled by arbitration.

(2) Any moneys received by the Corporation from the council for purchase money under the provisions of this section shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be reborrowed.

Powers of council to supply water to cease.

13. After the Corporation shall have commenced and so long as they shall continue duly to supply water within the Knaresborough water limits in accordance with the provisions of this Act and the scheduled agreement the powers of the council to supply water within the said limits under the Knaresborough Improvement Act 1902 and any other statutory provisions in that behalf shall cease and determine.

Repeal of Part III. of Knaresborough Improvement Act 1902.

14. Part III. of the Knaresborough Improvement Act 1902 (relating to water) is hereby repealed.

Limitation of right to require alteration of cisterns.

15. The Corporation shall not within three years from the time at which they commence to supply within the Knaresborough water limits water obtained from the waterworks of the Corporation require any existing cistern within the said limits to be taken out or replaced unless the same is in the opinion of the waterworks engineer of the Corporation so defective as to cause leakage and loss of water.

Expenses of execution of Act.

16. All expenses incurred by the Corporation and the council in carrying into execution the provisions of this Act and of the scheduled agreement shall save so far as may be otherwise by this Act specially provided be paid out of the district fund and the general district rate of the urban district and the borough respectively.

Power to Corporation to borrow.

17. The Corporation may from time to time borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say) :—

For paying the taxed costs of this Act on the security of the waterworks revenue and the district fund and general district rate of the borough the sum necessary for the purpose :

For and in relation to the works required under the provisions of the agreement scheduled to this Act and works incidental thereto authorised by this Act and for the repayment of the debt of the council outstanding on the appointed day on the security of the waterworks revenue and the district fund and general district rate of the borough ten thousand pounds :

And with the sanction of the Local Government Board such further sums as the Corporation may require for this purpose :

And in calculating the sums the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned The powers of the Corporation as to borrowing and reborrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Application of provisions of Harrogate Water Act 1901.

18. The following sections of the Harrogate Water Act 1901 (except the proviso to section 44 of that Act) shall apply to moneys authorised to be raised under this Act (namely) :—

Section 42	Provisions as to mortgages ;
Section 44	Mode of payment off of money borrowed ;
Section 45	Sinking fund ;
Section 46	Power to re-borrow ;
Section 47	Protection of lender from inquiry ;
Section 48	Corporation not to regard trusts ;
Section 49	Return respecting sinking fund to Local Government Board ;
Section 51	Inquiries by Local Government Board ;
Section 52	Audit of accounts.

Periods for payment of moneys borrowed.

19. The Corporation shall repay any moneys borrowed by them for paying the taxed costs of this Act within five years from the date or dates of borrowing the same and any moneys borrowed by them for the repayment of the debt of the council within the period of forty years from the passing of this Act and all other moneys borrowed by them under this Act within the period of forty years from the date or dates of borrowing the same :

A.D. 1903.

Provided that moneys borrowed with the sanction of the Local Government Board shall be repaid within the periods not exceeding sixty years sanctioned by that Board.

Expenses of Act.

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

The SCHEDULE referred to in the foregoing Act.

AGREEMENT BETWEEN THE KNARESBOROUGH COUNCIL AND THE HARROGATE CORPORATION.

AGREEMENT made the thirtieth day of October one thousand nine hundred and two between the URBAN DISTRICT COUNCIL FOR THE URBAN DISTRICT OF KNARESBOROUGH (hereinafter called "the urban council") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF HARROGATE (hereinafter called "the Corporation") of the other part.

WHEREAS the inhabitants of the urban district of Knaresborough are at present supplied with water for domestic and other purposes by the urban council from the River Nidd:

And whereas the Corporation have obtained powers under the Harrogate Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1902 to acquire land for sewerage disposal on the west bank of the said river some distance above the point from where the said supply of water is taken by the urban council:

And whereas it has been agreed in order to obviate any question as to the water taken from the said river for the purposes of the said supply being polluted by the user of the said land for sewerage disposal that a supply of water for domestic or other purposes for the use of the inhabitants of the urban district of Knaresborough that a supply should be obtained from the Corporation instead of from the said river upon the terms hereinafter set out:

Now these presents witness that in consideration of the premises and pursuant to an agreement to this effect between the parties hereto prior to the execution of these presents:—

1. The Corporation shall promote a Bill in the next session of Parliament to extend their limits of supply of water so as to include the limits of supply of water of the urban council and such Bill shall provide that the Corporation shall charge for consumption and use of water for all purposes to all persons within their limits of supply as extended by the said Bill upon the same basis.

2. On the day when the Corporation commence to supply water within the district of the urban council's limits of supply from their waterworks authorised by the Harrogate Water Acts the urban council shall transfer and assure to the Corporation all their water mains valves hydrants fire-plugs and implements and tools and the lands adjoining Brewerton Street Knaresborough containing twenty-seven perches and twenty-one perches respectively shown on the plan attached to the conveyance from William Ellison Esquire to the local board of health for the district of Knaresborough and Tentergate and thereon surrounded by a red line together with the cottage water tower water cisterns and other erections thereon at the date hereof Provided that if the Corporation shall at any time cease to use the said water tower cisterns

A.D. 1903.

cottage or land for the purposes of their water undertaking they shall offer such of the same as they shall cease to use for sale to the urban council who may elect within six months to purchase the same at a price to be settled by agreement and failing agreement by reference to arbitration according to the provisions of the Arbitration Act 1889.

3. The Corporation shall pay the debt of the urban council incurred by the urban council in respect of their water undertaking at the date when they shall commence to supply water within the limits of supply of the urban council The urban council shall contribute towards the said debt which on the thirteenth day of March one thousand nine hundred and two was seven thousand five hundred and forty-four pounds thirteen shillings and twopence the same sum yearly which they have contributed to the said debt in the year preceding the said thirteenth day of March one thousand nine hundred and two until the transfer to the Corporation as hereinbefore provided No works that will increase the amount of the said debt shall be carried out by the urban council between the said date the thirteenth day of March one thousand nine hundred and two until the said transfer without the previous approval of the Corporation in writing under the hand of their clerk or waterworks engineer.

4. The Corporation shall pay to the urban council the cost of water mains in Scriven laid down during the year 1901 by the urban council and also for all new mains that may be laid by the urban council for extensions between the thirteenth day of March one thousand nine hundred and two and the date of the said transfer provided that the Corporation or their waterworks engineer for the time being shall before any of such new works have been executed have sanctioned the same but such sanction shall not be unreasonably withheld.

5. The Corporation shall pay the costs of the preparation of an agreement embodying these terms and the cost of and incidental to the deed of assurance and transfer to them of the property of the water undertaking of the urban council.

6. The urban council shall keep in repair at their own expense the existing turbine at the mill and all other plant and machinery at present used for raising water from the filter beds near the mill until the waterworks at Masham pursuant to the Harrogate Water Act 1901 are completed or abandoned and during that time shall allow the Corporation to use the same and the existing reservoirs and filter beds of the urban council on all occasions when they may be prevented through frost drought or other unavoidable cause or accident from giving a full supply of water within the limits of supply of the urban council but the Corporation shall not supply water from the River Nidd within the limits of supply of the urban council unless the supply within the limits of supply of the Corporation outside the limits of supply of the urban council has been necessarily curtailed to a partial supply.

7. The urban council shall during the period mentioned in the last preceding paragraph keep in proper repair the mill dam in the River Nidd.

8. The Corporation shall keep in repair the existing reservoirs and filter beds of the urban council during the time mentioned in paragraph 6 hereof.

9. The Harrogate Corporation in using the turbine at the mill shall not reduce the power to the said mill to a greater extent than the urban council at present reduce the same and if the Corporation do so they shall pay compensation to the urban council in respect thereof but such compensation shall not in any one year exceed the sum of forty pounds.

10. The Corporation shall in the event of their using the said turbine and the machinery and plant connected therewith pay the urban council for repairs thereto and to the said dam a sum towards the amount expended thereon from the date of the said transfer of the undertaking mentioned in the second paragraph hereof pro rata according to the time they use the same.

11. The Corporation shall not within three years from the date of commencing to supply water from the existing waterworks of the Corporation require any existing cistern in the urban district of Knaresborough to be taken out or replaced unless the same is in the opinion of the waterworks engineer for the time being of the Corporation defective so as to cause leakage or loss of water.

12. In case of any dispute arising under this agreement such dispute shall be referred to arbitration in manner provided by the Arbitration Act 1889.

In witness whereof the urban council and the Corporation have hereunto caused their respective common seals to be affixed the day and year first before written.

The common seal of the urban district council for the urban district of Knaresborough was hereunto affixed in the presence of

BASIL B. H. WOODD
Chairman.

T. MAINMAN
Clerk.

L.S.

The common seal of the mayor aldermen and burgesses of the borough of Harrogate was hereunto affixed in the presence of

DAVID SIMPSON
Mayor.

J. TURNER TAYLOR
Town Clerk.

L.S.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
Oliver and Boyd, Edinburgh: or
E. Ponsonby, 116, Grafton Street, Dublin.