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An Act to confirm the purchase of the undertaking of the Ilkley Waterworks Company, and to authorise the construction of new Waterworks by the Local Board for the township of Ilkley, and to authorise the said Local Board to provide a Recreation Ground; and for other purposes. A.D. 1871.

[16th June 1871.]

WHEREAS by "The Ilkley Waterworks Act, 1852," (in this Act called "The Waterworks Act of 1852,") the Ilkley Waterworks Company (in this Act called "the Waterworks Company") were incorporated, and authorised to construct waterworks and supply water within the township of Ilkley: 15 & 16 Vict. c. xxiii.

And whereas the undertaking of the Waterworks Company has been recently purchased by the Local Board for the township of Ilkley (in this Act called "the Local Board") for a sum of five thousand one hundred and fifty-five pounds or thereabouts, including the cost of certain extensions executed by the Waterworks Company prior to the transfer of the undertaking, and it is expedient that such purchase should be confirmed:

And whereas since the passing of "The Waterworks Act, 1852," the population and buildings in the township of Ilkley have greatly increased, and are still rapidly increasing, and the water procurable by means of the said waterworks is altogether insufficient for meeting the growing wants of the inhabitants within the said township:

And whereas an additional supply of good water can be procured from various streams and springs of water on Ilkley Moor, within the said township, by the construction of a reservoir and certain aqueducts or conduits and other works, and it is expedient that the Local Board should be authorised to make and maintain the said works, and appropriate the waters of the said streams and springs for increasing the supply of water to the said township:

And whereas it is expedient that the Local Board should be authorised to purchase certain buildings and premises known as the

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Old Wells or Ilkley Baths and Charity Bath on Ilkley Moor, in the said township, for the purpose of their proposed waterworks:

And whereas it is expedient that the Local Board should be authorised to purchase a piece of land known as the Mill Gill, in Ilkley, and another piece of land situate in the Grove, in Ilkley, and to lay out, appropriate, and maintain the same for the purposes of recreation and as public pleasure grounds, and to make byelaws for the management, use, and enjoyment thereof:

And whereas a plan and section of the proposed reservoir and other works, showing the lines and levels thereof respectively, and the lands to be taken for the purposes thereof, and also the lands which may be taken under the compulsory powers of purchase conferred by this Act for any of the purposes thereof, and a book of reference to the plan containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands and buildings so proposed to be taken, have been deposited with the clerk of the peace for the west riding of the county of York, which plan, section, and book of reference are herein-after respectively referred to as "the deposited plan, section, and book of reference:"

And whereas the construction of the proposed waterworks will render unnecessary the present covered reservoir recently purchased from the Waterworks Company, and it is expedient that the Local Board should be empowered to let or otherwise appropriate and use the same, and the site thereof, and the land adjoining or near thereto, which formerly belonged to the Waterworks Company, but so that the same shall not at any time be used for residential, manufacturing, or trading purposes:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the 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 for all purposes be cited as "The Ilkley Local Board Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Acts, 1847 and 1863," (except the provisions of "The Waterworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit,) and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the

continuance thereof (except where expressly varied by this Act), shall be incorporated with and form part of this Act, and such Acts and parts or provisions of Acts are in this Act referred to as the "incorporated Acts;" and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply only to the reservoir by this Act authorised, and the works immediately connected therewith, and as if such reservoir and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoir and works were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the reservoir.

Same meanings to words in incorporated Acts and this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the promoters of the undertaking," "the undertakers," or "the Company," shall mean the Local Board; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the district" shall mean the township of Ilkley, being the district of the Local Board:

The expression "the Public Health Acts" shall mean and include "The Public Health Act, 1848," "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and all other Acts amending those Acts, or any of them.

Confirming sale and purchase of the undertaking of the Waterworks Company.

5. The sale by the Waterworks Company of their undertaking to the Local Board, and the purchase thereof by the Local Board, is hereby sanctioned and confirmed, and the Waterworks Company, when all their debts and liabilities are fully paid and satisfied, and their affairs are wound up, shall be and are hereby dissolved, and "The Waterworks Act, 1852," shall be repealed.

Limits of Act for water.

6. The limits of this Act for the supply of water (in this Act called the water limits) shall comprise and include the district.

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Act to be executed by Local Board.

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

Local Board may appoint water committees.

8. For more conveniently carrying this Act into execution the Local Board from time to time may appoint out of their own body a committee, to be called "the Water Committee," and each such committee shall consist of such number of persons, not exceeding six, as the Local Board shall think fit, and the Local Board shall fix the quorum of each such committee, and may continue to alter or discontinue each such committee; and the said committees may respectively have and exercise such of the discretions, powers, and authorities by this Act given to or reposed in the Local Board as the Local Board shall from time to time think proper to delegate to them.

Quorum of committees.

9. The quorum so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment; but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the Local Board, and if no quorum be fixed, unless three members, be present; and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of the committee.

Minute books of committee to be open for inspection.

10. All the minute and other books of the committee, and all documents, writings, and papers in the custody of or belonging to the committee, shall at all times be open to the inspection of any member of the Local Board.

Power for Local Board to supply water.

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

Power to make waterworks.

12. Subject to the provisions in this Act and the incorporated Acts, the Local Board may make and maintain the reservoir,

aqueducts, conduits, and other works shown on the deposited plan to the eastward of the Keighley Road, together with all necessary works and conveniences connected therewith or incident thereto, and, except as herein-after mentioned, may make and maintain the same in the lines and situation, upon the levels, and in, over, or upon the lands to the eastward of the Keighley Road aforesaid, delineated on the deposited plan and section and described in the deposited book of reference, and for those purposes may enter upon, take, and use all or any of the lands, streams, and waters delineated on the deposited plan and described in the deposited book of reference as eastward of the Keighley Road aforesaid, and may by means of the said works impound, take, and divert into or by means of the said works, or any of them, the waters of the Blackstone Beck, Crag Stream, Ilkley Wells Spring or Stream, Willy Hall's Spout, Spicey Gill Beck, Weary Hill Stream, and of all other brooks, streams, springs, and waters which now directly or derivatively flow or proceed into any of the above-named streams or brooks, with the exception of Intake Beck, and may enter upon, take, and use for the purposes of this Act all or any other lands delineated on the deposited plan and described in the deposited book of reference as eastward of the Keighley Road aforesaid; but it shall not be lawful for the Local Board under the powers of this Act to purchase or appropriate the waters of Intake Beck or Black Beck, or of any springs or streams lying to the westward of the Keighley Road, or to construct any works, or enter upon, take, or use any lands to the westward of that road.

Reservoirs and works.

13. The reservoirs and works by this Act authorised and hereinbefore referred to are the following; (that is to say,)

(1.) A reservoir (in this Act referred to as "the reservoir") on Ilkley Moor, near Hill Top and the public highway leading from Ilkley to Keighley:

(2.) An aqueduct, conduit, or line of pipes (in this Act referred to as "conduit No. 1") on Ilkley Moor from the Blackstone Beck to the reservoir:

(3.) So much of an aqueduct, conduit, or line of pipes (in this Act called "conduit No. 2") on Ilkley Moor as lies to the eastward of the Keighley Road:

(4.) An aqueduct, conduit, or line of pipes on Ilkley Moor (in this Act referred to as "conduit No. 3") from Crag Stream to conduit No. 1:

(5.) An aqueduct, conduit, or line of pipes on Ilkley Moor (in this Act referred to as "conduit No. 4") from near the head or spring of Crag Stream to conduit No. 1:

(6.) An aqueduct, conduit, or line of pipes on Ilkley Moor (in this

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Act referred to as "conduit No. 5") from near the head or spring of Graining's Head to conduit No. 2:

(7.) An aqueduct, conduit, or line of pipes on Ilkley Moor (in this Act referred to as "conduit No. 6") from the head or spring of a stream near Weary Hill Spring to conduit No. 5:

(8.) An aqueduct, conduit, or line of pipes on Ilkley Moor (in this Act called "conduit No. 11") from the reservoir to the stream flowing from Willy Hall's Spout, near the existing covered reservoir lately belonging to the Waterworks Company:

(9.) An aqueduct, conduit, or line of pipes (in this Act called "conduit No. 12") from the reservoir to the public highway leading from Ilkley to Keighley, near Hill Top:

But it shall not be lawful for the Local Board under the powers of this Act to make the conduits numbered respectively on the deposited plans No. 7, No. 8, No. 9, or No. 10, or so much of conduit No. 2 as lies to the westward of Keighley Road.

For protection of the Ilkley Wells Hydropathic Company.

14. And whereas the Ilkley Wells Hydropathic Company are or claim to be lessees under a lease for a term of years of certain buildings and premises situated on Ilkley Moor, and known as the Old Wells or Ilkley Baths, and also are or claim to be entitled to a perpetual right to take and conduct water from the Ilkley Wells Springs or Stream at the Old Wells or Ilkley Baths to their new hydropathic establishment called Ilkley Wells House, in priority to all other user of that spring or stream, and it has been agreed that the powers conferred upon the Local Board shall not interfere with such rights as the said Company have as such lessees, or to take and conduct water in perpetuity as aforesaid: Be it enacted, that it shall not be lawful for the Local Board, without the consent in writing of the said Company, their successors or assigns, at any time during the continuance of the said lease to take or interfere with any of the said buildings or premises on Ilkley Moor known as the Old Wells or Ilkley Baths, or the supply of water thereto, or at any time hereafter, without such consent as aforesaid, to interfere with such perpetual right as the said Company now have, irrespective of the said lease, to take and conduct water from Ilkley Wells Spring or Stream at the said Old Wells or Ilkley Baths to their new hydropathic establishment. And notwithstanding anything in this Act contained to the contrary, all rights, estate, interest, and privileges which the said Company now have in the said Old Wells or Ilkley Baths under or by virtue of the said lease, and for the supply of water thereto, and all such right as the said Company now have, irrespective of the said lease, to take and conduct water in perpetuity

from the said Ilkley Wells Spring or Stream at the Old Wells or Ilkley Baths to their hydropathic establishment, shall continue in full force, and may be exercised and enjoyed by the said Company, their successors and assigns, in like manner in all respects as if this Act had not been passed.

Rights of Thomas Crabtree and Thomas James Critchley, Frances Dixon, and William Douglas to water.

15. Whereas Thomas Crabtree, Thomas James Critchley, Frances Dixon, and William Douglas are or claim to be owners or occupiers of certain messuages and lands situate in Ilkley aforesaid, and claim to be entitled to use water from a certain stream flowing through or by the said messuages and lands, which water may be abstracted by the works proposed to be authorised by this Act: Be it enacted, that the Local Board shall so construct and maintain their said works that none of the said water shall be abstracted thereby; and if at any time it shall be found that any of such water is abstracted by means of the said works, the Local Board shall at their own expense deliver into the said stream from the said conduit No. 1, at or above the point where the said Thomas Crabtree and Thomas James Critchley now are or claim to be entitled by grant from the lord of the manor to erect a cistern for the water of the said stream, a quantity of water equal to that which they have so abstracted; and if any dispute shall arise respecting such abstraction, or the quantity of water to be delivered on account thereof, or the mode of delivery, the same shall be settled by arbitrators appointed in the manner provided by "The Lands Clauses Consolidation Act, 1845," in cases of disputed compensation.

Rights of Marshall Hainsworth and William Philip Harrison preserved.

16. Nothing in this Act contained shall be deemed to limit any right which Marshall Hainsworth and William Philip Harrison may respectively have to compensation for the abstraction of water under "The Lands Clauses Consolidation Acts, 1845 and 1863," and "The Waterworks Clauses Acts, 1847 and 1863."

Lateral and vertical deviation.

17. The Local Board in constructing the works by this Act authorised may make lateral and vertical deviations from the line of such works, but, except with such consent as herein-after mentioned, not exceeding the limits of deviation shown on the deposited plan, and may deviate from the levels of the reservoir and of the other works as delineated on the deposited section to any extent not exceeding in the case of the reservoir three feet, and in the case of the other works five feet, unless with the consent in writing of the owners, lessees, and occupiers of the lands to be affected by any such deviation.

Power to stop up roads, &c.

18. The Local Board may stop up all highways, roads, and ways within the limits of deviation defined on the deposited plan, and which are shown thereon as intended to be stopped up, or which are

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upon the site of the reservoir, or may be covered or washed by the waters thereof, and may, when they have acquired the land on each side, appropriate for the purposes of this Act the sites of the highways, roads, and ways so stopped up.

Period for compulsory purchase of lands.

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

Power to acquire additional lands.

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

Owners may grant easements.

21. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell or convey or lease lands shall, subject to the provisions of those Acts respectively, have full power to grant to the Local Board in fee, either absolutely or in consideration of any yearly or other rent, any lands, streams, or waters, or any easement, right, privilege, power, or authority in, over, or affecting any lands, streams, or waters by this Act authorised to be purchased by the Local Board compulsorily, and which the Local Board from time to time think requisite for any of the purposes of this Act.

Application of Lands Clauses Act, 1860, to easements.

22. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Period for completion of waterworks.

23. If the waterworks by this Act authorised to be constructed shall not be completed within ten years from the passing of this Act, then on the expiration of that period the powers of the Local Board under this Act for making the waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that, subject to the provisions of this Act, the Local Board from time to time may alter, enlarge, and extend their engines, machinery, wells, mains, and pipes in such

way and manner as shall be necessary for supplying water within the water limits.

Limitation of pressure.

24. The water to be supplied by the Local Board need not be constantly laid on under pressure, and need not be laid on under a pressure or supplied to an elevation greater than can be afforded by gravitation from the existing service reservoir of the Local Board, until the service reservoir by this Act authorised is completed and in use, and afterwards from such last-mentioned reservoir.

Rate at which water is to be supplied for domestic purposes.

25. The Local Board shall, at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Local Board shall be laid, or on the application of any person who under the provisions of this Act or any of the incorporated Acts shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic use, including one watercloset, at rates not exceeding the rates herein-after specified; (that is to say,)

Where the annual value shall not amount to three pounds, at the rate of six shillings per annum:

Where such annual value shall amount to three pounds, but shall not amount to five pounds, at the rate of ten shillings per annum:

Where such annual value shall amount to five pounds, but shall not amount to ten pounds, at the rate of twenty shillings per annum:

Where such annual value shall amount to ten pounds, but shall not amount to fifteen pounds, at the rate of thirty shillings per annum:

Where such annual value shall amount to fifteen pounds, but shall not amount to twenty pounds, at the rate of forty shillings per annum:

Where such annual value shall amount to twenty pounds and upwards, at the rate of ten pounds per centum per annum on such annual value.

If there be a watercloset or private bath.

26. If there be more than one watèrcloset, or any private bath or private baths, in such dwelling-house, then, in addition to the rates computed as above specified, the following rates shall be payable; (that is to say,)

For each additional watercloset the sum of five shillings per annum:

For one private bath the sum of twenty shillings per annum, and for each additional private bath (if more than one) the sum of ten shillings per annum:

Provided always, that the Local Board shall not be compelled to

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supply with water any watercloset or private bath, or the apparatus or pipes connected therewith, unless the same shall be so constructed and used as to prevent the waste or undue consumption of the water of the Local Board, and the return of foul air and other noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Local Board, nor any private bath which shall be so constructed as to contain when filled for use more than fifty gallons of water.

When several tenements supplied with water by one pipe.

27. When several premises in the occupation of several persons shall be supplied with water by one common pipe, the several owners and occupiers of such premises shall be liable to the payment of rent for the supply of water at and after the same rate as they would have been liable to if each of such several premises had been separately supplied with water from the works of the Local Board by a distinct pipe; and such several rents, in case of non-payment, shall and may be recovered in like manner as other rents may be recovered under the authority of this Act.

Service pipes.

28. The service pipes to communicate with the mains and pipes of the Local Board, and the fittings connected therewith, shall be laid, placed, and removed under the superintendence of the Local Board, and at the expense of the persons requiring or having the supply, and, at their option, either by themselves or by the Local Board.

Penalty for improperly fitting service pipes.

29. If any person connects any service pipes or other fitting with any of the mains or pipes of the Local Board otherwise than under the superintendence and in accordance with the reasonable requirements of the proper officer of the Local Board, every person so offending shall for every such offence forfeit and pay to the Local Board not exceeding five pounds, and shall pay for all water taken by means of the service pipes or other fitting so improperly connected water rates fourfold the amount of the water rates which would otherwise be payable in respect of the supply.

Notice to Local Board of putting up water meters.

30. Before any person connects or disconnects any water meter by which any of the water of the Local Board has been or is intended to be registered, he shall give not less than twenty-four hours notice in writing to the Local Board of his intention so to do.

Power to Local Board to let for hire meters.

31. The Local Board may let for hire to any consumer of the water supplied by them any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of such water, for such remuneration in money as shall be agreed upon between the Local Board and the consumer, which shall be recoverable in the same manner as rents due to the Local Board for water; and

such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or other legal proceeding, against the person or goods of the person in whose possession the same shall be.

Penalty for fraudulently injuring water meter.

32. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any water meter or fixing belonging to the Local Board, or fraudulently alters the index to any water meter, or prevents any water meter from duly registering the quantity of water supplied, or fraudulently connects with a water meter any water meter calculated to interfere, to the prejudice of the Local Board, with the due action of the water meter, or effaces or alters any mark applied to a water meter, shall, without prejudice to any other right or remedy for the protection of the Local Board, or the punishment of the offender, forfeit and pay to the Local Board for every such offence a sum not exceeding five pounds; and the Local Board may, in addition thereto, recover the amount of any damages by them sustained; and notwithstanding any contract with respect to the supply of water to the person so offending, the Local Board may discontinue the supply of water to him until the damage or injury is remedied and the amount of the damages are paid; and the existence of artificial means for the alteration or prevention when the water meter is in the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using the water meter.

Register of water meter to be primâ facie evidence of water consumed.

33. The register of the water meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Local Board, and in respect of which any rate is charged and sought to be recovered by the Local Board.

Power to Local Board for ascertaining quantity consumed by meter, and for removing meters, &c.

34. The officers of the Local Board may enter any house, building, or lands to, through, or into which water is supplied by the Local Board by measure, in order to inspect the meters, instruments, fittings, apparatus, and works for conveying, measuring, and regulating the supply of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands to which water has ceased to be supplied for any cause except the default of the Local Board, for the purpose of removing or carrying away any meter, instrument, pipes, fittings, apparatus, or other works the property of the Local Board; and if any person hinders any such officer from entering and making such inspection, or effecting such removal, he

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shall for every such offence be liable to a penalty not exceeding five pounds; but, except with the consent of a justice, such power of entry shall not be exercised except between the hours of ten in the forenoon and four in the afternoon, and after not less than twenty-four hours notice to the occupier.

Power to cut off water in certain cases.

35. If any person supplied with water by the Local Board wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of the incorporated Acts and this Act respectively, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Local Board, the Local Board may cut off any of the pipes by or through which water is supplied by them to him, or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by the Local Board by or in consequence of any such act or failure, by action at law in any court of competent jurisdiction.

Regulations for preventing waste &c. of water.

36. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water of the Local Board, the Local Board may from time to time make such rules and regulations as they may think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, which in their judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination, and shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be, and continue to be, duly observed by him, and the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles used or to be used shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired, as the Local Board shall from time to time so prescribe or otherwise approve; and in case of the neglect or refusal of any such person to observe such rules and regulations, or any of them, the Local Board may after twenty-four hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter, or cause to be repaired, replaced, or altered, any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other appa-

ratus or receptacle of any person supplied by them; and the expense of every such repair, replacement, or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made.

Penalty for waste, &c. of water by non-repair of pipes, &c.

37. If any person supplied with water by the Local Board wrongfully causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the Local Board is, or is likely to be, wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Local Board, he shall for every such offence be liable to a penalty not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle, to the satisfaction of the Local Board or their duly authorised officer.

Penalty for application of water contrary to agreement.

38. If any person,

First. Not having agreed with the Local Board for a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Local Board; or,

Secondly. Having agreed with the Local Board for a supply of water for any other than domestic purposes, uses for any purposes other than those agreed for any water supplied to him by the Local Board;

he shall for every such offence be liable to a penalty not exceeding forty shillings, without prejudice to the right of the Local Board to recover from him the value of the water misused.

Penalty on use of water without agreement.

39. If any person not having agreed to be supplied with water by the Local Board wrongfully takes or uses any water from any conduit or pipe belonging to the Local Board, or from any pipe leading to or from any such conduit or pipe, or from any cistern or other like place containing water belonging to the Local Board, or supplied by them for the use of any consumer of the water of the Local Board, he shall for every such offence be liable to a penalty not exceeding five pounds, and the Local Board shall be entitled in addition to recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such wrongful act, by action at law in any court of competent jurisdiction.

Power to raise money for water

40. And whereas the Local Board have borrowed the sum of five thousand five hundred pounds for the purchase of the waterworks

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purposes by annuities or mortgage.

and for other purposes of the water undertaking: Be it enacted, that in addition to the said sum of five thousand five hundred pounds so borrowed, the Local Board may from time to time raise such sums of money as they require for the purposes of this Act with respect to water, not exceeding in the whole ten thousand pounds, by the grant of perpetual annuities, to be called water annuities, of ten pounds per annum each, or by mortgage, as herein-after provided, or partly by the grant of water annuities and partly by mortgage, and they may from time to time in like manner raise by the grant of water annuities or by mortgage such moneys as they may require for paying off the said sum of five thousand five hundred pounds, or any part thereof.

Water annuities to be, with interest on mortgages, charge on waterworks, &c.

41. All water annuities under this Act shall be granted upon the security of the undertaking and waterworks of the Local Board, and shall rank equally with the interest upon any mortgages of the waterworks granted by the Waterworks Company, or granted by the Local Board under the provisions of this Act, and shall also be a charge upon the general district rates under the Public Health Acts.

Provisions of 8 & 9 Vict. c. 16. as to shares, &c., to apply to all annuities.

42. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, shall be incorporated with this Act, and shall, except where the same are expressly varied by this Act, apply to all annuities granted under the provisions of this Act, and to the holders of such annuities, and to the Local Board, as if the Local Board were the company referred to in those provisions, and the annuities were shares in the undertaking of that company, and the holders of the annuities were shareholders in that company: Provided always, that the forms of certificate and transfer of an annuity may respectively be according to the forms in the schedule to this Act annexed, or to the like effect, and any such certificate or transfer may, by agreement with the annuitant, include any number of annuities to which the annuitant is entitled.

Payment of annuities.

43. The annuities shall be payable at the office of the treasurer of the Local Board, clear of all deductions (except income tax), by equal half-yearly instalments in every year.

Recovery of arrears of annuities.

44. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the person entitled thereto may, subject to the provisions of this Act, recover the same against the Local Board in any court of competent jurisdiction, and, without prejudice to his right so to recover the same, may require the appointment of a receiver as by this Act provided.

Receiver for annuitants.

45. The annuitants may enforce the payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Local Board, and for that purpose the provisions in that behalf applicable of "The Companies Clauses Consolidation Act, 1845," shall apply, mutatis mutandis, to the Local Board and the annuitants and the receiver; and the amount in arrear to authorise an application for a receiver shall be two hundred pounds.

As to purchase of annuities by Local Board.

46. The Local Board may from time to time purchase any of the annuities at such price, not exceeding the market price for the time being for the same (if any), as may be agreed upon between the sellers of the annuities respectively and the Local Board, and every annuity purchased by the Board may, at their option, be held by them or extinguished.

Power to Local Board to borrow on mortgage for water purposes.

47. The Local Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the waterworks of the Local Board, and of the water rates and other revenue of the Local Board arising from their water undertaking, and of the general district rates under the Public Health Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act with respect to water, not exceeding in the whole the said sum of ten thousand pounds: Provided always, that if all or any part of the said sum of ten thousand pounds shall be raised by water annuities, it shall not be lawful for the Local Board to exercise the power of borrowing hereby conferred to the extent of the amount so raised, except for the purpose of raising money to purchase or redeem all or some of such annuities, and the money so raised shall be applied only to that purpose.

Provision of 10 & 11 Vict. c. 16. as to mortgages incorporated.

48. The sections of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, except section 84, shall be incorporated with this Act, and shall be applicable to the Local Board and to their mortgages under the provisions of this Act.

Appointment of receiver.

49. The mortgagees of the Local Board under the provisions of this Act may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear which shall authorise the appointment of a receiver shall be two thousand five hundred pounds.

Power to re-borrow.

50. The Local Board may from time to time re-borrow any amount borrowed under the provisions of this Act, including the said

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sum of five thousand five hundred pounds borrowed for the purchase of the undertaking of the Waterworks Company and other purposes as aforesaid, and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, their powers of borrowing and re-borrowing shall cease.

Certain restrictions not to apply.

51. The powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Acts, and in calculating the amount which the Board may borrow under the Public Health Acts any sums which they may borrow under the provisions of this Act shall not be reckoned.

Application of moneys borrowed on the waterworks.

52. All moneys from time to time raised by grant of water annuities or borrowed under this Act on mortgage of the waterworks shall be applied by the Local Board only as follows:

First. In payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act:

Secondly. In paying the expenses of and incident to the construction of the reservoir, aqueducts, and works by this Act authorised:

Thirdly. In the purchase or redemption of water annuities, and in the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage of the waterworks and of re-borrowing.

Application of water revenue of Local Board.

53. All water rates or sums received by the Local Board for the supply of water, and all other receipts and credits on account of the waterworks of the Local Board, shall in each and every half year be applied as follows:

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

Secondly. In payment of the interest upon mortgages charged upon the waterworks, and in payment of water annuities granted under the provisions of this Act:

Thirdly. In forming the sinking fund required by this Act for paying off mortgages charged upon the waterworks, and for purchasing water annuities granted under the provisions of this Act:

Fourthly. In or towards repaying to the general district rates the amount (if any) advanced thereout in payment of water annuities or interest on mortgages charged on the waterworks

of the Local Board, and as a collateral security on the general district rates under the powers of this Act:

Fifthly. The balance shall be applied in enlarging, extending, or improving the waterworks of the Local Board, or in the purchase of water annuities granted under the provisions of this Act, or shall be carried to the district fund account of the Local Board, and shall be applied by the Local Board in payment of any charges or expenses for the time being payable out of the general district rates leviable by the Local Board, or otherwise, for the public benefit of the inhabitants of the district, and for the improvement of the district, or for any two or more of the above purposes, as to the Local Board shall seem meet.

Amount and period for water sinking fund.

54. The sum to be yearly set apart for the sinking fund for payment of moneys raised by mortgage of the waterworks, or by water annuities, shall be of such an amount as will enable the Local Board to pay off the amount raised under the powers of this Act, whether by mortgage or by water annuities, and also the said sum of five thousand five hundred pounds, in the course of sixty years, but the Local Board shall not be bound to commence the formation of the sinking fund by setting apart any portion of their revenue for the purpose until the expiration of five years from the passing of this Act.

Application of water sinking fund.

55. The sums set apart for the said sinking fund, and the interest thereon, shall be invested in the purchase of Exchequer bills or other government securities, or may be applied by the Local Board in the purchase or redemption of water annuities, or in paying off mortgages on the waterworks granted under the provisions of this Act; and the Board may from time to time, as they think fit, sell all or any Exchequer bills or securities which shall have been so purchased, and apply the proceeds in the purchase or redemption of water annuities, or in paying off mortgages on the waterworks granted under the provisions of this Act.

Water account.

56. The Local Board shall keep a separate account of all their receipts, credits, payments, and liabilities in and about the execution of this Act, so far as it relates to the supply of water, and from or on account of the receipts for water supplied under this Act and the incorporated Acts, to be called "The Water Account," which account shall be subject to the same provisions as to audit, examination, report, inspection, copies and extracts, and production of vouchers, as other accounts of the Local Board under the Public Health Acts.

Recovery of water rates, &c.

57. In case default shall be made by any person in payment of any water rate, or sum for the supply of water, due to the Local

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Board under the authority of this Act, it shall be lawful for the Local Board to separate the pipe supplying with water the person so making default, and communicating with the waterworks of the Local Board, and to stop the water from flowing or passing into the premises of such person; and if any person shall neglect or refuse to pay the amount due from him to the Local Board in respect of water rates or rents, or the sale or hire of water meters, mains, pipes, or tubes, for the space of fourteen days after the demand thereof by the Local Board, their agent or collector, it shall be lawful for any justice to issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the amount 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 business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to 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 costs of cutting off the water, if the same shall have been cut off by the Local Board, as to such justice shall seem just and reasonable; or the Local Board may recover such rents in any manner in which private improvement expenses may be recovered by local boards.

Incoming tenant not to be liable for arrears.

58. In case any person supplied with water by the Local Board shall leave the premises where such water has been supplied to him without paying to the Local Board the water rent or meter rent due from him, the Local Board shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Power for Local Board to remove water or gas pipes from unoccupied premises.

59. If and whenever any house, building, or premises which shall have been supplied with water by the Local Board shall be unoccupied, the Local Board, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner, by serving the notice on him, or sending the same by post addressed to him at his usual place of abode or business, or if the owner or his usual place of abode or business be not known to the Local Board after inquiry, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises, between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Local Board.

Powers of Local Board with respect to the recreation ground.

60. The Local Board may by agreement purchase the piece of land known as the Mill Gill, and any land in the Grove, and when they shall have acquired possession of any such land they shall appropriate the same as a recreation ground, for the exercise and recreation of the inhabitants of the township of Ilkley, and may from time to time lay out the same, with such roads and ways for driving, riding, and walking, as they think fit, and may appropriate particular portions of the said land for garden and pleasure grounds, and for the exercise of athletic sports, and other purposes of a like description, and may erect such buildings and works thereon as they think proper, and as are consistent with the agreement or agreements of purchase, and with the purposes aforesaid, or any of them; and may from time to time make such alterations in the laying out and appropriation of the said land and the buildings thereon, and may remove such buildings and works, as they consider desirable; and shall cause the land to be well and properly fenced and drained, and shall at all times maintain and keep the same and every part thereof, and all the buildings and works for the time being thereon, in good repair, order, and condition.

Appointment of officers.

61. The Local Board may from time to time appoint and remove such officers, servants, and workmen to be employed in and about the recreation ground as they think proper, and may fix the salaries and wages of the persons so employed.

Power to make byelaws.

62. The Local Board may from time to time make byelaws for the management and regulation of the various parts of the recreation ground, and the buildings and works thereon, and the persons employed in or about the same, and for the protection and preservation of the same, and the property therein respectively, and for the maintenance of order, and prohibition or suppression of acts or practices causing nuisance or annoyance to persons frequenting or using the recreation ground, and generally for promoting the rational enjoyment of the recreation ground, and all the buildings and works thereon, by all persons entitled to the use of the same; and the Local Board may from time to time alter or repeal any such byelaws and make others, and the provisions of the Public Health Acts with respect to the making of byelaws by local boards shall extend and be applicable to all byelaws made by the Local Board under the provisions of this Act.

For defraying expenses of recreation ground.

63. All expenses incurred by the Local Board in the purchase, conveyance, laying out, and completing of the recreation ground may be paid out of the general district rates, or out of moneys to be raised by mortgage thereof, and of all or any other rates leviable by the Local Board within their district, in addition to any other

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moneys which the Local Board may be empowered to raise by mortgage of the same rates, or any of them; and the expense of keeping up, altering, and improving the recreation ground, and the buildings and works therein, shall be paid out of the general district rates, and all mortgages which may be granted by the Local Board by virtue of this provision shall be in the same form and subject to the same provisions as mortgages granted by the Local Board under the provisions of the Public Health Acts.

Lands to vest in Local Board as a body corporate, with power to sell lands not required.

64. All the waterworks, lands, easements, and other property which may be purchased or acquired by the Local Board under this Act shall be vested in and held by the Local Board, and their successors, in trust for the purposes of this Act, and shall be held by them and their successors as or in the nature of a body corporate, and the Local Board from time to time may sell, in consideration either of a sum in gross or of any yearly or other rent, any lands from time to time vested in them under this Act, and not required for the purposes thereof, except the existing covered reservoir purchased by the Local Board from the Waterworks Company, and the site thereof, and the land adjoining or near thereto, and formerly belonging to the Waterworks Company.

As to the covered reservoir.

65. The Local Board may from time to time let or otherwise appropriate and use the said existing covered reservoir, and the site thereof, and the land adjoining or near thereto, and formerly belonging to the Waterworks Company; provided that the same shall not, either by the Local Board or by any lessee of the Local Board, or by any other person, be used for residential, manufacturing, or trading purposes; but if any public building, including baths, shall be erected thereon, any attendant appointed to take charge thereof may, notwithstanding the above restrictions, reside with his family upon the said premises.

Recovery of sums by action.

66. Whenever any person neglects to pay any rent, rate, or sum due to the Local Board, the Local Board may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Local Board under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Application of penalties.

67. Every penalty imposed by this Act and the incorporated Acts, or any of them, or by any byelaw (except where the Local Board shall be the party by whom the penalty has to be paid), shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the waterworks account, or of the general district account, as the case may require.

Penalties not cumulative.

68. Penalties imposed on the Local Board for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts and the Public Health Acts shall be deemed several Acts.

Authentication of notices.

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

Contents of summons or warrant.

70. Any notice, demand, or other process issued [illegible] this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Contract for supply of water not to disqualify members of Local Board.

71. No person shall be disqualified from being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of water, or other matters, articles, or things under this Act, or for the sale of any land for the purposes of the Public Health Acts or this Act, or of his being interested in any contract with any newspaper in which advertisements are inserted for the Local Board, but no such person shall vote in any matter affecting the contract in which he is interested, and no mortgagee of rates to be levied under this Act shall be disqualified as a member of the Local Board by reason of his being a mortgagee.

Saving rights of Local Board.

72. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Local Board.

Expenses of Act.

73. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the first moneys at their disposal.

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SCHEDULE.

Form of Certificate of Annuity.

Certificate of Annuity, No. , £ .

By virtue of "The Ilkley Local Board Act, 1871," the Local Board for the township of Ilkley in the west riding of the county of York certify that *A.B.* of is, under and subject to the provisions of that Act, entitled to a perpetual water annuity of charged on the waterworks of the said Local Board [* and upon the general district rates of the said Local Board], and such annuity is payable to him, his executors, administrators, or assigns, at the office of the treasurer of the said Local Board, as regards the annuity for the year ending on the day of 18 , on that day, and for every subsequent year by equal half-yearly payments on the day of and the day of yearly.

Given under the common seal of the Local Board for the township of Ilkley in the west riding of the county of York, this day of in the year of our Lord 18 .

* N.B.—These words are to be inserted as the case may require.

Form of Transfer of Annuity.

I, *A.B.* of in consideration of £ paid to me by *C.D.* of transfer to him, his executors, administrators, and assigns, the perpetual water annuity (*or* annuities) No. , of , charged by the "Ilkley Local Board Act, 1871," on the waterworks of the Local Board for the township of Ilkley in the west riding of the county of York [* and on the general district rates of the district of the said Local Board], and payable at the office of the treasurer of the said Local Board, as regards the annuity for the year ending on the day of 18 , on that day, and for every subsequent year by equal half-yearly payments on the day of and the day of yearly, and all my right and interest therein and thereto.

As witness my hand and seal, this day of in the year of our Lord 18 .

* N.B.—These words to be inserted as the case may require.

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