CHAPTER xxxiv.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Leeds, in the West Riding of the County of York, to make further Provision for the Supply of Water; for Protection of Water Supply; to raise additional Money for Waterworks purposes; to alter existing Rents and Charges for Water; and for other purposes. A.D. 1874.

[30th June 1874.]

Recital of Acts and parts of Acts relating to borough of Leeds.

WHEREAS within the borough of Leeds, in this Act called "the borough," the Acts local and personal following, or parts of those Acts, are in force; (that is to say,)

"The Leeds Waterworks Act, 1847;"

"The Leeds Waterworks (Wharfe Supply) Act, 1852;"

"The Leeds Waterworks (Wharfe Supply) Act, 1856;"

"Leeds Waterworks Act, 1862;"

"The Leeds Waterworks Act, 1867;"

all which Acts are in this Act referred to generally as the Water Acts:

And whereas by "The Leeds Waterworks Act, 1847" (section twelve), and by the subsequent Water Acts, the limits of the area of supply of water under those Acts by the mayor, aldermen, and burgesses of the borough, in this Act called "the Corporation," are declared to be the several parishes of Leeds, Addle, Harewood, and Otley, and it is desirable to extend the said area to the township of Roundhay, in the parish of Barwick in Elmet, and it is expedient that a larger price should be charged for the supply of water to the township of Roundhay than is charged for such supply within the borough:

And whereas the provisions in the Water Acts for the protection of the water supply are insufficient, and it is desirable that the same should be amended, and that the meaning of the words "annual value" in "The Leeds Waterworks Act, 1847" (section forty-three), should be defined:

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And whereas by "The Leeds Waterworks Act, 1867" (section forty-five), the Corporation are authorised to borrow for waterworks purposes the sum of nine hundred and twenty thousand pounds, inclusive of the sum of four hundred and twenty thousand pounds or thereabouts then already borrowed:

And whereas the amount so authorised to be borrowed is insufficient for the purposes of the said Acts, and it is desirable that the Corporation should be authorised to borrow the further sum of three hundred thousand pounds:

And whereas estimates for executing works already authorised and for future extension of the works for distribution and supply have been prepared by the Corporation, and amount to the sum of three hundred thousand pounds or thereabouts:

And whereas forty-eight members of the council, the whole number being sixty-four, at a meeting held on the first day of January one thousand eight hundred and seventy-four, after ten days notice by public advertisement of such meeting and of the purpose thereof in the Leeds Daily News, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient to make application for and to promote this Bill, and that the expenses in relation to such application and promotion be charged upon and paid out of the borough fund, borough rates, or other the public funds and rates under the control of the town council:

And whereas such resolution was published twice in the Leeds Mercury newspaper (a newspaper 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 forty-seven of the whole number of the council at a further special meeting held in pursuance of similar notice on the eleventh day of February one thousand eight hundred and seventy-four, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution in manner provided in "The Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act:

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 Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Leeds Corporation Water Act, 1874."

Interpretation of terms.

2. In this Act the expression "the borough" shall mean the municipal borough of Leeds.

Extension of limits of water supply.

3. The district within which the Corporation are by the Water Acts authorised to supply water is by this Act extended to and shall hereafter for all purposes of such supply, in addition to the existing district, extend to and include the whole of the township of Roundhay, in the parish of Barwick in Elmet, in the West Riding of the county of York.

Water rate without the borough.

4. Where any premises supplied with water by the Corporation shall be situate in the township of Roundhay, the Corporation, in addition to the ordinary charges for the time being made for a like supply within the borough, shall charge an additional sum of not less than ten pounds per centum, and not more than twenty pounds per centum, upon such last-mentioned charges.

Meaning of the words "annual value."

5. Whereas the rents for water supply in Leeds have hitherto been levied upon the gross rent paid by tenants of the premises so supplied, and it is desirable that the meaning of the words "annual value" in "The Leeds Waterworks Act, 1847," should be defined, therefore the words "annual value" in "The Leeds Waterworks Act, 1847" (section forty-three), shall mean the actual amount of the annual rackrent of the premises supplied, except in cases of dwelling-houses of not exceeding ten pounds nominal gross annual rent, the rates in respect of which shall be paid by the owner, in which case it shall mean the annual rackrent, subject to a reduction of twenty-five per centum as and by way of a compounded allowance in respect of the burdens borne and defrayed by the owner from and out of such annual rackrent, and such owner shall pay such composition whether the premises are occupied or unoccupied.

Power to Corporation to supply water for other than domestic purposes.

6. Subject to the provisions of this Act, the Corporation may supply water for other than domestic purposes on such terms and conditions, pecuniary or otherwise, as the Corporation think fit.

Water may be supplied by measure.

7. The Corporation may, if they think fit, enter into agreements for the supply of water by measure to any person, corporation, or local authority, either for domestic or other purposes, and in bulk or otherwise.

Power to borrow on mortgage.

8. The Corporation may, in addition to the money which they have borrowed and have power to borrow under the Water Acts, borrow on mortgage or other security upon the borough fund and borough rates of the borough, and on the security of the water-works and property vested in them under the said Water Acts, and

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of the water-rents and of the other income to be derived under those Acts and this Act, the further sum of three hundred thousand pounds.

Priority of existing mortgages.

9. All mortgages granted by the Corporation in virtue of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, on the credit of the borough fund of the borough, and all mortgages granted by the Corporation under the Water Acts, and subsisting at the passing hereof, shall, during the continuance of such mortgages, respectively have priority over any mortgages granted by virtue of this Act.

8 & 9 Vict. c. 16. to apply to mortgages.

10. The provisions of "The Companies Clauses Act, 1845," with respect to the borrowing and reborrowing of money by the Company on mortgage or bond shall be incorporated with this Act, and shall extend and apply to the Corporation and to their mortgages and mortgagees under this Act; and in construing those provisions in connexion with this Act the expression "the Company" shall mean the Corporation, and the expression "general meeting of the Company" shall mean any meeting of the council of the Corporation.

Expenses and income of Corporation under Acts charged on borough fund.

11. All the moneys expended by the Corporation for any of the purposes of this Act, and other the costs, charges, and expenses of and incident to the carrying into execution of this Act, shall be charged upon and be paid and satisfied out of the borough fund of the borough of Leeds, as if the same were expenditure necessarily incurred in executing with reference to the borough of Leeds the Act of the fifth and sixth William the Fourth, chapter seventy-six, for the regulation of municipal corporations, and all moneys borrowed or otherwise raised by the Corporation under this Act, and all the water-rates, rents, charges, damages, penalties, and other moneys whatsoever received by or for the benefit of the Corporation under this Act, or in carrying this Act into execution, shall be pai dand carried to the credit of that borough fund, and section thirty-nine of "The Leeds Waterworks (Wharfe Supply) Act, 1852," relating to the keeping of the Leeds Waterworks account, and the publication of abstracts of that account, shall extend and apply to the receipts, credits, payments, and liabilities of the Corporation, under or with reference to this Act.

Provisions of Act of 1852 as to drawbacks and railway and canal companies to apply to this Act.

12. Sections thirty-six, thirty-seven, and thirty-eight of "The Leeds Waterworks (Wharfe Supply) Act, 1852," relating to the allowance of drawbacks to certain townships within the borough, and to railway and canal companies, shall extend and apply to this Act, as if the same had been re-enacted in this Act in reference to any moneys paid out of the borough fund or borough rates in pursuance of this Act.

Sinking fund.

13. At the expiration of ten years from the passing of this Act, the Corporation shall commence and shall thenceforth continue to set aside annually from their receipts for water supply a sum equal to one pound per centum upon the aggregate amount of the principal moneys which shall have been borrowed by them either on mortgage or annuity under the powers of this Act as a sinking fund for the repayment of those principal moneys, in like manner as is provided for the payment and application of the sinking fund in respect of money borrowed under the Water Act of 1867, and shall from time to time apply the sums so set apart in repayment of the principal moneys so borrowed, and it shall not be lawful for the Corporation under the powers of this Act to reborrow any principal moneys which shall have been paid off by means of such sinking fund, but the borrowing powers of the Corporation under this Act shall be reduced by the amount from time to time paid off by means of such sinking fund.

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

14. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund 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 invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and, in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may, by order, direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund; and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Creation of funded debt.

15. The Corporation from time to time, in lieu of continuing on bond or mortgage money borrowed or authorised to be borrowed under this Act and the Water Acts, may resolve to fund the whole

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or any part thereof under the denomination of the Leeds Corporation Funded Waterworks Debt, and thereupon may issue to any person or body paying to them any portion of the money funded a certificate of that person or body being the holder of such funded debt to the amount so paid, and every such certificate may be according to the form in the schedule to this Act, or to the like effect, and shall be under the seal of the Corporation, and the borrowing powers of the Corporation shall, to the extent of the money so from time to time converted into funded debt, be extinguished.

Register of holders of funded debt.

16. The Corporation shall from time to time cause the names of the persons and bodies interested in such funded debt, with the amount of their respective interests therein, to be entered in a book to be kept for that purpose, and to be called the Register of Holders of Leeds Corporation Funded Waterworks Debt, which book shall be accessible at all reasonable times to the holders of such debt, and of mortgages or assignations granted by the Corporation under this Act.

Transfer of funded debt.

17. The interests of the several holders of such funded debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignment granted by the Corporation may be transferred or transmitted under this Act, and the Corporation shall cause an entry to be made in a book to be kept for that purpose of every such transfer or transmission, and for every such entry may demand a sum not exceeding two shillings and sixpence.

Annuity to be paid.

18. The several holders of such funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at such a rate, not exceeding five per centum, as shall from time to time have been agreed on, and to be specified in the respective certificates issued to holders of the debt, which annuity shall be payable at the times in the several certificates stated.

Security of holders of funded debt.

19. The several holders of such funded debt shall be creditors of the Corporation for the payment of such annuity, and shall be deemed to hold by virtue of this Act a mortgage or an assignment of the lands, property, and works acquired by the Corporation under the Water Acts, and of the rents and revenues to be charged and received by them for the supply of water, and of the borough fund and borough rate, in security of such payment, which mortgage and assignation shall rank pari passu with the other mortgages and assignations made and granted under this Act and the Water Acts, and shall confer the like powers and privileges.

Arrears may be enforced by appointment of a receiver.

20. The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, or holders of funded debt, arrear of annuities due to them, by the appointment of a receiver; and in order to authorise the appointment of a receiver, the amount owing to the mortgagees and holders of funded debt by whom the application for a receiver is made shall not be less than ten thousand pounds of capital or two thousand pounds of annuity.

Transmission of mortgages in case of bankruptcy.

21. If any mortgage, security, or annuity be transmitted in consequence of the bankruptcy of the person entitled thereto, there shall be produced to the Corporation, or their town clerk, official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Penalty for using water for other than domestic purposes without agreement.

22. Every person using for other than domestic purposes any water supplied by the Corporation, and not having previously agreed with the Corporation for a supply for the other purposes, and every person having agreed with the Corporation for a supply of water for any other than domestic purposes, and using for any purposes other than the purposes so agreed on the water so supplied by the Corporation, shall respectively for every such offence forfeit and pay to the Corporation any sum not exceeding five pounds, and shall, in addition to such penalty, make full compensation to the Corporation for or in respect of the water so used, taken, wasted, or misapplied; and any justice authorised to impose such penalty as herein-after mentioned is hereby empowered and required to determine and certify the amount of such compensation, which amount the Corporation may recover in like manner as charges for water supplied by them may be recovered.

Penalty for extending or enlarging pipes.

23. Every person who shall, without the knowledge and consent of the Corporation, extend or enlarge any pipe, or use other means or device for the purpose of supplying any other person or tenement not intended to be supplied by such pipe with water from the works of the Corporation, shall forfeit and pay a sum not exceeding five pounds for the first offence, and a further sum not exceeding ten pounds for the second offence, and a further sum not exceeding fifty pounds for every subsequent offence.

Entry on premises to cut off supply in certain cases and remove fittings, &c.

24. In all cases in which the Corporation are by "The Waterworks Clauses Act, 1847," or "The Waterworks Clauses Act, 1863," or by this Act, authorised to cut off the pipe or to turn off water from any premises, and in all cases in which any premises which shall have been supplied with water by the Corporation shall have become unoccupied, the Corporation, their agents and workmen

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(after giving notice to the owner or occupier as herein-after provided), may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Corporation shall be supplied to such premises, and may remove any pipe, meter, fittings, or apparatus the property of the Corporation.

Mode of giving notice.

25. The notice to be given previously to such entry shall be in writing, and shall be served in manner following; (that is to say,)

If the premises intended to be entered be occupied, then by leaving notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry:

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England and be known to the Corporation, then by delivering the notice to such owner, or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post in a registered letter addressed to him at his usual or last-known place of abode forty-eight hours at least previously to such entry:

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England, or be not known to the Corporation after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purposes of this section, any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Corporation officers to enter buildings.

26. Any officer of the Corporation, duly appointed for the purpose by them, may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Corporation, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity consumed or supplied, or to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair; and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier shall for every such offence forfeit to the Corporation a sum not exceeding five pounds.

For preventing frauds and waste of water.

27. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, the Corporation may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the

cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction, from every person so offending, the amount of all damage sustained by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Saving rights of Corporation and Local Government Board.

28. 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 rights, powers, authorities, or privileges of the Corporation or of the Local Government Board.

Saving rights of the Crown and the Duchy of Lancaster.

29. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Queen's most Excellent Majesty, her heirs and successors, as well in right of her Crown as in right of her Duchy of Lancaster.

Expenses of Act.

30. All the costs, charges, and expenses of and incident to and preparatory to the obtaining and passing of this Act shall be paid by the Corporation and charged to the water account.

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SCHEDULE referred to in the foregoing Act.

Form of Certificate of Funded Debt.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of pounds of the Leeds Corporation Funded Waterworks Debt created by and under the provisions of "The Leeds Corporation Water Act, 1874," and is entitled to receive an annuity on that sum at the rate of per centum per annum by equal half-yearly payments on the day of and the day of in each year.

Dated this day of 18 .

(L.S.)

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1874.