CHAPTER lxxiv.

An Act to extend the Powers of the Northampton Waterworks Company. A.D. 1882. [3rd July 1882.]

WHEREAS by the Northampton Waterworks Act 1861 (in this Act called the "Act of 1861") the Northampton Waterworks Company then existing as a company not incorporated were incorporated and the Company so incorporated (herein-after referred to as "the Company") were authorised to continue and maintain the waterworks then belonging to the said then existing company and from time to time to construct and maintain additional waterworks within the limits of that Act and to supply water within the town and borough of Northampton and parts of certain parishes adjacent thereto in the county of Northampton: 24 & 25 Vict. c. xlvii.

And whereas the demand for water has increased and is still ncreasing within the said limits and also in parishes and places adjacent thereto and it is expedient that the limits within which the Company may supply water be extended and that they be empowered within those extended limits to obtain an additional supply of water and for that purpose to acquire by agreement additional lands and to bore and sink for water:

And whereas it is expedient that such provisions as herein-after appear be enacted with respect to the supply of water by the Company:

And whereas it is expedient that the Corporation should be authorised with the consent of the Local Government Board to purchase the undertaking of the Company on the conditions herein-after in that behalf contained and that the Company be in such event so authorised to sell the same:

And whereas it is expedient that in the event of such purchase and sale being effected the Company be dissolved:

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

D. 1882.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):

hort title.

1. This Act may be cited as the Northampton Waterworks Act 1882 and this Act and the Act of 1861 may be cited together as the Northampton Waterworks Acts 1861 and 1882.

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

2. The following Acts—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking)

The Waterworks Clauses Acts 1847 except sections 48 49 50 52 and 53 and

The Waterworks Clauses Act 1863

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Act of 1861 and this Act to be construed together.

3. The Act of 1861 as extended and amended by this Act and this Act shall be construed and have effect together as one Act.

Extension of limits for supply of water.

4. The limits within which the Company may supply water shall extend to and include in addition to the town borough and parts of parishes mentioned in the Act of 1861 the following parishes and parts of parishes (that is to say) Holdenby Brington Church Brampton Chapel Brampton Harlestone Dallington Harpole Duston Upton Kislingbury Upper Heyford Nether Heyford Bugbrooke Rothersthorpe Middleton (or Milton Malsor) Pattishall Gayton Blisworth Roade Courteenhall Quinton Piddington Horton Preston Deanery Collingtree Wootton Denton Brayfield Great Houghton Hardingstone Little Houghton Cooknoe (or Cogenhoe) Abington Weston Favell Little Billing Great Billing Ecton Kingsthorpe Moulton Moulton Park Overstone Boughton Pitsford Spratton East Haddon Whilton Brockhall Floore Cold Higham Tiffield Stoke Bruerne Ashton Hartwell Yardley Hastings Castle Ashby Whiston Earl's Barton Grendon Doddington Wilby Mear's Ashby Holcot Hannington Walgrave Scaldwell Brixworth Sywell Hackleton Old Hardwick Green's Norton Stowe Ravensthorpe Great Creaton Cottesbrooke Teeton and Shutlanger and the Company for the purposes of such supply and of obtaining an additional supply of water may within the limits so extended exercise all or any the

powers rights privileges and authorities which they now have or may exercise within the limits of the Act of 1861 under the powers of that Act as extended and amended by this Act.

Provisions for sale of portions of undertaking to sanitary authorities.

5. If at any time after the passing of this Act any sanitary authority whose district is at the passing thereof beyond the limits of the Company for the supply of water but within the extension of those limits made by this Act shall give not less than six months' notice in writing to the Company of their desire to purchase such portion of the water undertaking of the Company as is contained within such district and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Company (except the lands wells streams adits waters waterworks mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Company) and to supply water within such district then it shall not be lawful for the Company to oppose such application (except as to the details thereof) and if such powers of purchase be granted the Company shall sell and such sanitary authority shall purchase such portion of the undertaking of the Company (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Provided that after the completion of such purchase all obligations on the part of the Company to supply water within such district shall cease and determine.

Sanitary authorities may borrow &c. for purposes of this Act.
38 & 39 Vict. c. 55.

6. Every such purchase shall be deemed a purpose of the Public Health Act 1875 and any sanitary authority making such purchase may under and according to the provisions of the Public Health Act 1875 borrow such sums of money and may levy such rates as shall be necessary for the purpose.

Protection of London and North-western Railway Company.

7. In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the London and North-western Railway Company (in this section referred to as "the railway company") or the bridges approaches viaducts stations or other works or any level crossings of such railways the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously and reasonably approved by him and in all things by

A.D. 1882.

and at the expense of the Company who also shall make good and repair the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works not arising from the act or default of the railway company their contractors or servants the Company shall make compensation to the railway company in respect thereof the amount of such compensation together with full costs to be recoverable by the railway company from the Company by all and the same means as any simple contract debt is recoverable.

Power to acquire additional lands by agreement

8. The Company may (in addition to the lands they are authorised to acquire and hold under the powers of the Act of 1861) from time to time by agreement acquire by purchase or by way of exchange or otherwise any land not exceeding in the whole fourteen acres or any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Company but the Company shall not deal with any such lands so as to create a nuisance nor shall they use for any building purpose unconnected with their waterworks any lands so acquired.

Consideration for such acquisition.

9. The consideration for any such acquisition may be either money or land or any yearly sum or rentcharge or a mixed consideration of money and land and on any exchange the Company may give or take any money for equality of exchange.

Power to take easements &c. by agreement.

10. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to apply capital to purposes of this Act.

11. The Company may apply to all any or either the purposes of this Act any capital raised or authorised to be raised under the powers of the Act of 1861.

Amending section 39 of the Act of 1861.

12. From and after the passing of this Act the quantity of water to be supplied in any one day for the purpose of watering the roads and streets within the borough of Northampton shall be a quantity equivalent to one gallon per head of the population for the time being of the borough to be estimated from time to time by reference to the last antecedent census or the books of the parochial or rating authorities and section 39 (supply of water for watering roads and streets) of the Act of 1861 shall be read and have effect accordingly.

In case of compound houses local rates to be deducted from rackrent and water rate charged accordingly. 13 & 14 Vict. c. 99.

13. As to every house for which under the provisions of the Small Tenements Act 1850 the owner instead of the occupier is rated to the poor rate and any other local rates the water rate on such house shall be charged on the annual rackrent or value thereof reduced by the amount of the rates payable by such owner in respect of such house and section 49 (rates of supply for domestic purposes) of the Act of 1861 shall be read and have effect accordingly.

Rates for pan closets not having cistern &c.

14. The rate to be charged for a supply of water to any pan closet the water for flushing which is not furnished by means of a cistern pipe tap or valve or other apparatus shall not exceed sixpence per quarter for each such closet and section 50 (rates for water-closets and baths) of the Act of 1861 shall be read and have effect accordingly.

What not to be deemed domestic purposes.

15. Section 51 (what shall not be considered domestic purposes) of the Act of 1861 is hereby repealed and in lieu thereof a supply of water for domestic purposes shall not include a supply of water for cattle or for steam engines or for railway purposes or for working any machine or apparatus or for any trade manufacture or business whatsoever or for flushing sewers or drains or for public baths or for any ornamental purpose whatever nor except where the consumer is willing to take the supply by meter shall it include a supply for watering gardens or for fountains or for horses or for washing carriages or for warming or ventilating purposes.

Supply of water by meter to house of twenty-five pounds per annum rack-rent.

16. Where the annual rackrent or value of any premises supplied with water by meter shall not exceed twenty-five pounds per annum the price to be charged by the Company for such supply shall be as follows (that is to say):

Where the quantity taken in any quarter shall not exceed five thousand gallons the sum of five shillings a quarter;

A.D. 1882.

Where the quantity taken shall exceed five thousand gallons in a quarter then at the rate of one shilling for every one thousand gallons of water.

Pressure at which water to be supplied.

17. Secton 60 (pressure at which water to be supplied) of the Act of 1861 is hereby repealed and in lieu thereof the Company shall not be bound to supply water to the top storey of any house if such top storey shall be of a greater height above the ground level of the centre of the Market Square of Northampton than the following (that is to say):

In the following districts numbered 1 2 3 and 4 one hundred feet and elsewhere within their limits of supply seventy-seven feet; The districts herein-before referred to are the following (that is to say):

1. An area lying within the following boundaries viz. north-north-east and north-west Abington Lane from Kettering Road to its junction with Abington parish east parish of Abington from Abington Lane to Willingborough Road south-east Wellingborough Road from last-mentioned point to Market Street south-west Market Street west Kettering Road from Market Street to Abington Lane;
2. An area lying within the following boundaries viz. south Clare Street west Hunter Street north-west and north High Street east Kettering Road from Clare Street to Hood Street north-east Hood Street to High Street;
3. The Kingsley Park Estate situate on the west side of the Kettering Road;
4. An area lying within the following boundaries west or north-west the Kettering Road south or south-west east or south-east Abington Lane north or north-east the limit of the Company's district prior to the passing of this Act.

Increased supply not to be enforced for certain time.

18. Nothing in this Act shall extend to render the Company liable to any action or penalty for failure to supply water to a greater extent or to a greater height than they are enabled to do by their present works until the expiration of eighteen months after they shall have obtained a sufficient additional supply of water for the purpose Provided that nothing in this section shall take away the powers of any local authority to supply their district with water under and in accordance with the provisions and limitations contained in the Public Health Act 1875.

Company to sell undertaking to Corporation

19. If the Corporation shall at any time within six years from the passing of this Act give twelve months' notice under their common seal addressed and sent to the secretary of the Company

A.D. 1882.

or delivered at their principal office requiring the Company to sell with the sanction of the Local Government Board the Company shall at the expiration of such notice sell to the Corporation and the Corporation shall purchase from the Company all their undertaking property rights powers and privileges as the same severally exist at the time of such sale for such consideration as shall be mutually agreed on between the Company and the Corporation or in default of agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation except that the costs of the arbitration shall be borne and paid as the arbitrators shall direct.

if required within certain time so to do.

20. Immediately on the undertaking becoming vested in the Corporation all the powers authorities regulations duties and obligations of the Company under their special Acts shall be by virtue of this Act transferred to and vested in the Corporation and those Acts shall be read and have effect as if the Corporation had been therein named instead of the Company except that the following provisions namely:

Application of special Acts to the Company.

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the special Acts of the Company and

8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

(2) The provisions of the special Acts of the Company relating respectively to share and loan capital and to any limitation of the amount of profit to be received by the Company and to the constitution meetings and directors and generally to the management of the internal affairs of the Company

shall not extend or apply to the Corporation.

21. Upon the completion of the purchase the Company shall proceed to wind up their affairs and the directors then in office and the survivors and survivor of them shall continue without re-election to hold the office of directors until the consideration shall have been distributed and until the affairs of the Company shall be wound up and so soon as their affairs shall have been wound up they shall by virtue of this Act be dissolved and cease to exist.

Eventual dissolution of the Company.

22. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

Costs of Act.

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