CHAPTER CXX.

An Act to empower the Local Board for the district of Northwich in the county of Chester to make waterworks and to supply water and for other purposes. A.D. 1885.

[22nd July 1885.]

WHEREAS in the year one thousand eight hundred and seventy-five a local board was established for the present district of Northwich comprising the townships of Witton-cum-Twambrooks Northwich Castle Northwich and parts of the townships of Winnington Hartford and Leftwich all in the parishes of Great Budworth and Davenham in the county of Chester (which board is in this Act referred to as the Local Board and which district is in this Act referred to as the district) and the Local Board are the sanitary authority for the district with the powers and obligations of an urban sanitary authority;

And whereas the present supply of water to the district is derived partly from works belonging to the Local Board and partly from works belonging to a limited company without parliamentary powers but such supply is inadequate to meet the existing and growing demands of the inhabitants of the district and it is expedient that the Local Board be empowered to acquire the further supply of water and to construct the additional waterworks in this Act specified;

And whereas the Northwich Waterworks Company Limited (herein-after in this Act referred to as the limited company) have for some years past supplied and are now supplying water to the town of Northwich and neighbourhood and it is expedient that their undertaking should be purchased and transferred to the Local Board upon the terms and in manner in this Act provided;

And whereas it is expedient that the Local Board be authorised to raise further money by borrowing for the purposes of this Act;

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

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And whereas estimates have been prepared by the Local Board for the purchase of land and for the execution of the works by this Act authorised and such estimates (exclusive of the sum payable for the purchase of the undertaking of the limited company) amount to the sum of forty thousand pounds;

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875;

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the twenty-ninth day of October one thousand eight hundred and eighty-four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Northwich and Knutsford Guardian" a local paper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rates of the district;

And whereas such resolution was published twice in the said "Northwich and Knutsford Guardian" and has received the approval of the Local Government Board;

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the 14th day of January 1885 being not less than fourteen days after the deposit of the Bill for this Act in Parliament;

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act;

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Chester and a plan and section of an alteration of part of the works by this Act authorised together with a book of reference to such plan have also been deposited with such clerk of the peace and all the said plans sections and books of reference are in this Act referred to as the deposited plans sections and book of reference;

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with

the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Northwich Local Board Act 1885.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts) ;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ;

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised.

Interpretation of terms.

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 is something in the subject or context repugnant to such construction : Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Local Board ;

"The railway" means the reservoir by this Act authorised to be constructed ;

"Centre of the railway" means with respect to the reservoir by this Act authorised to be constructed the boundary of such reservoir :

And in this Act "the Public Health Act" means the Public Health Act 1875 and any Act for the time being in force amending the same : And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Water limits.

4. The limits of this Act for the supply of water shall be the district and such limits are in this Act referred to as the water limits.

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Act to be executed by Local Board.

5. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act and that Act 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 Act so far as the same shall be applicable thereto and except so far as any of the provisions of the last-mentioned Act are expressly varied or otherwise provided for by this Act.

Power to make waterworks.

6. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the catch-water drain aqueducts reservoir approach road and other works following (that is to say) :—

A catch-water drain (No. 1) situate in the township of Utkinton commencing in the field numbered 117 on sheet No. XL. 10 of the Ordnance Survey of twenty-five inches to the mile and dated 1874 and terminating in the field numbered 350 on sheet No. XL. 14 of the said Ordnance Survey.

An aqueduct or line of pipes (No. 2) commencing in the township of Utkinton at the termination of the last-mentioned work and terminating in the township of Weaverham-cum-Milton in the field numbered 743 on sheet No. XXXIII. 16 of the Ordnance Survey of twenty-five inches to the mile and dated 1877.

A reservoir (to be called the Heywood reservoir) situate in the townships of Weaverham-cum-Milton and Hartford in the south-western portion of the said field numbered 743.

An approach road situate in the township of Weaverham-cum-Milton commencing in the said field numbered 743 and terminating in Watling Street.

An aqueduct or line of pipes (No. 3) commencing in the township of Weaverham-cum-Milton in the said field numbered 743 and terminating in the township of Castle Northwich by a junction with the water main of the Local Board in the private road leading from their pumping station to their water tower.

Together with all necessary and proper embankments bridges roads ways wells tanks basins gauges filters dams sluices weirs outfalls syphons pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any

of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same:

Provided that the pipes to be laid in and along the highways or other roads within the district of the East Eddisbury Highway Board shall be of iron and shall have self-acting reflux or sluice valves fixed on the same at distances of not more than one mile and that the Local Board shall keep and maintain all such portions of the said roads as shall be broken up or disturbed for the purpose of laying down such pipes in good and sufficient repair to the reasonable satisfaction of the East Eddisbury Highway Board for eighteen calendar months after the pipes shall be so laid and completed.

Power to take lands and waters.

7. Subject to the provisions of this Act the Local Board may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purpose of their waterworks collect impound take use get and appropriate the waters from the Cotebrook springs or other the springs arising in the fields numbered 114 and 117 on sheet No. XL. 10 of the Ordnance Survey of twenty-five inches to the mile and numbered 349 350 and 351 on the sheet No. XL. 14 of the said Ordnance Survey and from the stream or streams into which such springs directly flow and from the Sandyford brook and all tributaries thereof and from all other springs and streams that may be intercepted by the waterworks (other than the aqueducts or lines of pipes No. 2 and No. 3) by this Act authorised and all waters found in on or under any of the lands acquired by them:

Provided always that the Local Board shall not without the previous consent in writing of the trustees under the will of the late Thomas Knowles of Darnhall Hall in the county of Chester or other the owner or owners for the time being of the Darnhall estate in the said county take or divert from the springs streams and brooks in this section mentioned a greater quantity of water in any one day than three hundred thousand gallons.

Provisions as to measuring gauges.

8. (1.) In this section the expression "owner" means and includes the trustees under the will of the late Thomas Knowles of Darnhall Hall in the county of Chester or other the owner or owners for the time being of the Darnhall estate in the said county.

(2.) The Local Board shall before they begin to take or divert water from any of the springs streams or brooks mentioned in the section of this Act of which "power to take lands and waters" is the marginal note construct and for ever after maintain one or more suitable measuring gauge or gauges and other suitable apparatus for measuring the water taken by them from the said springs streams and brooks.

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(3.) The said gauge or gauges shall be erected at such convenient place or places and of such size and materials as shall be agreed on between the engineers of the Local Board and the owner or as failing such agreement shall be determined by an engineer to be nominated by the President for the time being of the Institution of Civil Engineers upon the application of either party.

(4.) The Local Board shall not take any water from the said springs streams or brooks other than such as shall pass over or through the said gauge or gauges.

(5.) The Local Board shall keep a daily register of the water passing over or through such gauge or gauges and shall within seven days after the first day of January the first day of April the first day of July and the first day of October in each year deliver to the owner a copy of the said register for the three months then next preceding.

(6.) The said gauge or gauges and register shall be open at all times to the inspection and examination of the owner or any inspector appointed by him.

(7.) If at any time the said gauge or gauges or any of them or any apparatus connected therewith shall be in an unfit state of repair or condition for the purposes for which they are intended the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the Local Board or if they fail to do so within seven days after notice given to them by the owner requiring them so to do it shall be lawful for the owner to put the said gauge or gauges or apparatus into proper and efficient repair and condition and to recover the expenses thereof from the Local Board in any court of competent jurisdiction.

(8.) If any dispute arises as to the state of repair and condition of the said gauge or gauges or apparatus such dispute shall be determined by an engineer to be agreed on by the Local Board and the owner or failing agreement to be nominated by the President for the time being of the Institution of Civil Engineers on the application of either party.

(9.) If on any one day the Local Board take or divert from the said springs streams or brooks more than three hundred thousand gallons of water then and in every such case the Local Board shall for every day on which such neglect or such taking or diverting occurs forfeit and pay to the owner (who may sue for and recover the same) the sum of twenty pounds.

(10.) If for three days after notice the Local Board shall fail to maintain any such gauge or apparatus in a state of efficiency or to keep such register or to deliver a copy thereof to the owner as by this Act provided the Local Board shall forfeit and pay to the owner

the sum of five pounds for every day during the continuance of such default.

(11.) The provisions in this section contained shall be in addition to and not in derogation of any rights remedies or compensation to which the owner is or may be entitled under the provisions of this Act or any Acts incorporated herewith.

Power to deviate.

9. In constructing the waterworks and other works by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of the Heywood reservoir and five feet upwards or downwards in respect of any other work: Provided always that the height of the embankment of the Heywood reservoir as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid.

Period for compulsory purchase of lands.

10. The powers of the Local Board for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional lands by agreement.

11. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take by compulsion but the Local Board shall not use any such lands for any building except buildings required for or used in connexion with their water undertaking.

Power to take easements, &c., by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board 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 Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Reservation of water rights, &c., on sale.

13. The Local Board on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of

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noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands to be treated as capital.

14. The proceeds of the sale of any surplus lands of the Local Board under the powers of this Act shall be applied only to purposes authorised by this Act and to which capital moneys are applicable.

Time for completion of works.

15. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease to be exercised except as to such of them or so much thereof respectively as is then completed.

Scheme for accommodating labourers displaced under Act.

16. The Local Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Supply regulated by gravitation.

17. The Local Board shall not be bound at any time to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from their existing water tower or when the Heywood reservoir shall have been completed and used from that reservoir.

Local Board to purchase undertaking of limited company.

18. (1.) Within one year from the passing of this Act the Local Board shall purchase the undertaking of the limited company and that company shall sell the same at a price to be agreed upon or failing agreement to be determined by two arbitrators or their umpire under the provisions of the Lands Clauses Acts. The price (in default of agreement) shall be such sum not being less than eight thousand pounds as such arbitrators or umpire shall ascertain and determine to be the value of the said undertaking to the purchasers.

(2.) The purchase shall be completed on the thirty-first day of March or the thirtieth day of September whichever day shall first happen after publication of the award or upon such other day as shall be agreed upon.

(3.) The limited company shall not without the previous consent in writing of the Local Board enter into any new liability contract agreement or other obligation except such as may be in the ordinary course of the proper conduct of the water undertaking and except in cases of emergency and the arbitrators and umpire shall not take into account any new liability contract agreement or other obligation except as aforesaid which may have been incurred since the twenty-seventh day of March one thousand eight hundred and eighty-five.

(4.) The purchase and sale of the undertaking of the limited company shall be evidenced by a deed duly stamped in which the consideration shall be truly set forth and upon payment of the purchase money and execution of such deed the undertaking of the limited company shall by virtue thereof and of this Act become and the same shall thenceforth be transferred to and vested in the Local Board together with all the rights powers and privileges of the limited company.

(5.) Until the purchase shall be actually completed the limited company shall continue to carry on their undertaking and shall be entitled to receive and take the profits arising therefrom.

Existing waterworks of Local Board and works authorised by the Act to form one undertaking.

19. The existing waterworks belonging to the Local Board together with all lands buildings mains pipes fixtures fittings apparatus and effects in connexion therewith and all existing rights powers and privileges of the Local Board in relation to the supply of water and the debt and liabilities incurred in respect thereof shall together with the works and undertaking authorised by this Act and the undertaking of the limited company when purchased by the Local Board form one undertaking and such undertaking is in this Act referred to as the water undertaking.

Pipes crossing the Cheshire Lines Railway to be laid down under inspection of their engineer.

20. Any pipes to be laid down or works constructed by the Local Board under over or in such close proximity as to affect any railway or works of the Cheshire Lines Committee shall (except in case of accident or emergency) be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Cheshire Lines Committee and in accordance with plans to be from time to time approved by such engineer and the engineer of the Local Board or in the event of difference by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

For protection of Sir P. le B. Grey Egerton, Baronet.

21. The following provisions for the protection of the estate of Sir Philip le Belward Grey Egerton Baronet (who and whose heirs and assigns or successors in title is and are included in the expression "Sir Philip Grey Egerton" wherever employed or referred to in this

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Act) shall unless otherwise agreed be binding on the Local Board and full effect shall be given thereto that is to say:—

(1.) The Local Board shall not without the previous consent in writing of Sir Philip Grey Egerton take or divert from the springs streams and brooks in this Act mentioned a greater quantity of water in any one day than 300,000 gallons.

(2.) The provisions of the section of this Act whereof the marginal note is "provisions as to measuring gauges" except sub-section (11) shall extend and apply for the protection and benefit of Sir Philip Grey Egerton and take effect as if they were in this section repeated with the substitution of the name "Sir Philip Grey Egerton" for the expression "the owner" throughout that section.

(3.) The Local Board shall dredge and deepen the whole of the Oulton mill pool (except for about 30 feet from the wall of the existing embankment or dam thereof) and the swamp or marshy ground at the upper end thereof to the level of the bottom of the culvert leading the water on to the water-wheel and shall make embankments on the edges of the mill pool and on the sides of the stream or brook flowing into it which are necessary to protect the adjoining lands and the riparian owners from damage or injury. The accommodation works herein-before mentioned shall be executed and completed on lands belonging to Sir Philip Grey Egerton and in accordance with plans and sections thereof signed by Henry Bancroft (on behalf of the Local Board) and by William Beckett (on behalf of Sir Philip Grey Egerton) and the spoil (beyond what shall be necessary for the making of the aforesaid embankments) shall be deposited on the meadow belonging to Sir Philip Grey Egerton at the upper end of the said mill pool in the place and manner specified by Sir Philip Grey Egerton or his agent.

(4.) The Local Board shall near the weir or overflow of the said mill pool lay down and fix in good and effective working order and condition an iron pipe twelve inches in diameter with valve and standard complete and the same shall be fixed two feet below the level of the draw-off on to the water-wheel and the same shall be fixed and made so as to effectually act and operate as a cleansing pipe.

(5.) The Local Board shall reconstruct the cill of the weir or overflow of the said mill pool so that the level thereof shall be two feet higher than its present level.

(6.) The Local Board shall raise (with good stone) the existing stone wall of the embankment or dam of the said mill pool (opposite to the mill) eighteen inches higher than its present

level: And the Local Board shall at the back of the said wall make a concrete wall three feet wide and the base of which wall shall be at the level of the bottom of the aforesaid cleansing pipe and at the place where the old cleansing pipe formerly crossed the embankment at such lower level as may be found necessary and the level of the top of the said concrete wall shall be at least six inches higher than the level of the said new cill of the weir or overflow: And the Local Board shall repair and make good any damage or injury done or happening to the water trough leading the water on to the water-wheel from the making of the said concrete wall and shall not alter the existing level of the road or highway over the existing embankment or dam.

(7.) The Local Board shall make a convenient watering place for cattle at the said mill pool opposite to the mill stables.

(8.) The Local Board shall lay down on the west side of the said embankment or mill dam an earthenware pipe fifteen inches in diameter so as effectually to drain the lands of the Earl of Haddington and Sir Philip Grey Egerton adjoining the said mill pool and the stream or brook flowing thereinto.

(9.) The Local Board shall dredge and deepen the whole of the upper pool in Oulton Park for a width of forty feet so that the level of the bottom of the said upper pool shall be two feet below the level of the cleansing pipe in this sub-section mentioned and shall lay down and fix in good and effective working order and condition an iron pipe twelve inches in diameter (from the said upper pool to the lower pool in Oulton Park) with valve and standard complete so as to effectually act and operate as a cleansing pipe. The said works shall be executed and completed in accordance with plans and sections thereof signed as aforesaid.

(10.) The Local Board shall lay down a bed of concrete six inches thick from the valve under the overflow of the upper pool and along the face of the embankment or dam of the said upper pool to the level of the present overflow.

(11.) The Local Board shall deposit the spoil beyond what shall be necessary for the works in the said embankment of the upper pool on the sides of the said upper pool.

(12.) The Local Board shall at their own expense execute and complete all the said works simultaneously with the execution of the works by this Act authorised and to the reasonable satisfaction of the agent or engineer of Sir Philip Grey Egerton or in case of dispute of an engineer to be agreed upon or failing agreement to be appointed by the President for the

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time being of the Institution of Civil Engineers on the application of the Local Board or of Sir Philip Grey Egerton.

(13.) The Local Board shall maintain in good repair working order and condition all the works to be executed by them pursuant to this section for the term of five years from the completion of such works and if any of such works shall be in such condition at any time during the said term as not to be sufficient for the purposes thereof within the meaning of this section or to be capable of being effectually repaired to effect the purposes thereof the Local Board shall forthwith reconstruct the same and maintain the same for the term of five years from such reconstruction and so toties quoties.

For the protection of the London and North-western Railway Company.

22. For the protection of the London and North-western Railway Company (herein-after referred to as the Company) the following provisions shall have effect:—

(1.) The aqueduct or line of pipes numbered 3 on the deposited plans authorised by this Act shall unless otherwise agreed between the company and the Local Board cross the Grand Junction Railway of the company by being carried along and under the footway on the west side of the road known as Watling Street over the bridge over the said railway close to the Hartford Station thereon and the immediate approaches to the said bridge and at such a level that the bottom of the said aqueduct shall not be more than two feet three inches below the surface of the ground over the said bridge and in so carrying the same across and along the said road and approaches and in laying down any other mains or pipes or in executing any other works under or in exercise of the powers conferred by this Act across in close proximity to or in any way affecting the railway of the company or any of the bridges approaches or other works thereof or any lands or property belonging to or used or occupied by the company as also in effecting the maintenance repairs and renewals of all such mains pipes or other works the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans to be submitted to and approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Local Board and so as not to cause any injury to any such railways bridges approaches works lands or property or interruption to the passage or conduct of the traffic over any such railways or at any station thereof and if any such injury to any such railways bridges approaches works lands or property or any interruption to such traffic shall arise

the Local Board shall make full compensation to the company in respect of such injury or interruption the amount of such compensation to be recoverable by the company from the Local Board together with full costs by all and the same means as any simple contract debt of the like amount is recoverable.

(2.) The said aqueduct or line of pipes shall be carried over or across the said bridge and approaches by mains or pipes which for the entire length of such bridge and approaches and for fifteen feet on each side thereof shall be of such materials dimensions quality and thickness as such engineer shall in writing reasonably require.

(3.) The said aqueduct or line of pipes and all other works which may be executed by the Local Board across in close proximity to or in any way affecting the said railways bridges approaches works lands or property shall be maintained and renewed by the Local Board who shall also make good and repair the roads over any such bridges and approaches which may be disturbed or interfered with by or owing to any operations of the Local Board and in case they shall fail to execute such maintenance repairs and renewals the company may make and do in and upon as well their own lands as in and upon the lands or other property of the Local Board all such works and things as the company may reasonably think requisite in that behalf and the sum certified by such engineer to be the reasonable amount of such their expenditure shall be repaid to the company by the Local Board and in case of non-payment may be recovered from them in manner aforesaid together with full costs.

(4.) If by reason of any works or proceedings of the Local Board or of their contractors or of their workmen or the failure leakage or bursting of any works or pipes of the Local Board on under or near to any bridge or level crossing the said railways or any of the works thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Local Board at the expense of the Local Board and to the reasonable satisfaction of such engineer and in the event of their failing so to do the company may make good the same and recover in manner aforesaid the reasonable expense thereof from the Local Board and full costs and if any interruption shall be caused to the traffic of the said railways by reason of any works of the Local Board or of any such failure leakage or bursting as aforesaid the Local Board shall pay to the company all losses costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption the amounts thereof

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respectively to be recoverable by the company from the Local Board in manner aforesaid with full costs.

(5.) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridges or approaches or to widen or alter their railways or to lift or support any such bridges or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the aqueducts mains pipes or other works of the Local Board shall be temporarily diverted and shall except in cases of emergency give to the Local Board three clear days notice in writing requiring such diversion such aqueducts mains pipes or other works shall be diverted accordingly at the expense of the Local Board and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses in any way relating thereto.

(6.) When the works for effecting the said crossings of the said aqueducts or lines of pipes or for any other works to be executed by the Local Board across in close proximity to or in any way affecting the said railways bridges approaches works lands or property as also for the maintenance repairs or renewals of any such works shall be commenced they shall be proceeded with executed and completed with all such despatch and within such time as such engineer shall in his discretion consider fair and reasonable for effecting the same and on the failure of the Local Board to proceed with execute and complete such respective works within such time or times as such engineer may in writing addressed to the Local Board prescribe the company may if they think fit themselves and at the cost in all things of the Local Board provide the labour and such materials as they may find to be necessary for and proceed with execute and complete such respective works and recover from the Local Board in manner aforesaid their expenditure in that behalf and incidental thereto according to the amount thereof certified in writing by such engineer together with full costs.

Rates for water supply.

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

Where the rateable value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding eight pounds;

Where such rateable value shall exceed twenty pounds and not exceeding forty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds;

Where such rateable value shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value shall exceed eighty pounds and not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds ten shillings;

Provided always that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than threepence a week for every dwelling-house or part of a dwelling-house and the above-mentioned rates (including the minimum rate of threepence a week) shall for the purposes of section 62 of the Public Health Act be deemed to be the rates authorised by the local Act in force within the district.

Rates for water-closets and private baths.

In addition to the rates computed as above specified the Local Board may charge for a second watercloset and for any private bath in any private dwelling-house or part of such dwelling-house or appurtenance thereto the following rates (that is to say):

When the rateable value shall not exceed twenty pounds the sum of six shillings per annum;

When the rateable value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum;

When the rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum;

When the rateable value shall exceed eighty pounds the sum of twelve shillings per annum;

And for every additional watercloset beyond the second and for every additional bath beyond the first the sum of five shillings a year respectively.

Incoming tenant not to be liable for arrears of water rent

24. If any water consumer leave the premises to which water has been supplied without paying to the Local Board the water rate or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid

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except by express agreement.

by the defaulting consumer unless the incoming tenant shall have agreed with the Local Board or with the defaulting consumer to pay the arrears but the Local Board shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do.

Supply of water for domestic purposes.

25. The Local Board are hereby authorised to cause either main pipes or service pipes as circumstances shall require to be laid down and water to be brought through every street within the water limits and shall at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down furnish to such person within such house by means of branch or communication pipes and other necessary and proper apparatus to be provided laid down and maintained as in this section mentioned a sufficient supply of water for domestic purposes and the owner of any house within the water limits not furnished with a sufficient supply of pure and wholesome water for domestic use shall when thereunto required by the Local Board provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate in such manner as to afford an actual supply of water within such house to the occupier thereof and the occupier of such house shall pay the water rates in respect of such supply.

Regulations for preventing waste of water.

26. For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely :—

(1.) The Local Board may from time to time make such byelaws as they think expedient for the objects aforesaid to be observed by persons supplied with water; but such byelaws shall take effect only within the district in which the Local Board are bound to and do in fact afford a constant supply.

(2.) The Local Board may by any such byelaws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves cocks tanks cisterns baths soil-pans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water.

(3.) In case of the failure of any person to observe any byelaws for the time being in force the Local Board may if they think

fit after twenty-four hours notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable.

(4.) All byelaws made by the Local Board under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 187 both inclusive of the Public Health Act.

Power for Local Board to remove water pipes.

27. 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 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.

Public drinking fountains.

28. The Local Board from time to time when and as they think expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the Local Board think fit but not against any private dwelling-house warehouse counting-house or shop except with the consent of the owner and occupier thereof or against any public building unless the building shall be the property of the Local Board.

Charges for supply of water for other than domestic purposes.

29. The Local Board may supply water within the water limits for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Local Board and the person requiring the supply and the moneys payable for the supply shall be water rates

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and recoverable accordingly: Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Rate payable by owner for small houses, &c.

30. Where the net annual value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a month the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

Supply to houses partly used for trade, &c.

31. The Local Board shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier as a warehouse or for any trade or manufacturing purpose for which water is required.

Powers for agreements with sanitary authorities, &c.

32. The Local Board may from time to time agree with any sanitary authority or public body company or person for the supply by the Local Board to the authority public body company or person either within or beyond the water limits of water in bulk but the Local Board shall not under any such agreement supply water so as to interfere with a proper supply for all purposes to the inhabitants of the district: And shall not supply water for any purpose within the district of the Local Board of Winsford or to any person or premises within thirty yards of any water mains belonging to the said Winsford Local Board so long as the said board are able and willing to supply the same.

Power to borrow.

33. The Local Board may from time to time independently of any other borrowing power borrow at interest for the following purposes the sums herein-after mentioned (that is to say)—

For the construction of the waterworks by this Act authorised and for other the purposes of their water undertaking such sums as they shall think fit not exceeding in the whole (except with the consent of the Local Government Board) the sum of forty thousand pounds;

For the purchase of the undertaking of the limited company the amount of the purchase money and the costs and expenses of and incidental to the award and purchase;

For the payment of the costs provided for by the section of this Act with the marginal note Expenses of Act the amount thereof; and the Local Board may mortgage the district fund

and general district rate and the revenue of their water undertaking to secure the repayment of the moneys borrowed with interest.

Provisions of Public Health Act as to mortgages to apply.

34. Sections 236 to 239 (both inclusive) of the Public Health Act shall extend and apply to mortgages granted under this Act.

Power to borrow under Local Loans Act, 1875.

35. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

Certain regulations of Public Health Act as to borrowing not to apply.

36. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Period of discharge of borrowed moneys.

37. The Local Board shall pay off all moneys borrowed by them under this Act for the expenses of this Act within twenty years from the time of borrowing the same and all other moneys borrowed by them under this Act within sixty years from the time or respective times of borrowing the same.

Payment off of money borrowed.

38. The Local Board shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly.

Power to reborrow.

39. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or than by means of a sinking fund or than out of the proceeds of the sale of land they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

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

40. The clerk to the Local Board 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 or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested 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 and the interest thereof 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 which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or 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 or any interest thereof 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 Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application of money borrowed.

41. Money borrowed by the Local Board under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Saving for existing charges.

42. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the

subsistence thereof have priority over any mortgage or charge granted under this Act on the same rate and property.

Application of water revenue of Local Board.

43. The Local Board shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows :—

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Local Board ;

In payment of the interest upon money borrowed by the Local Board for their existing waterworks ;

In payment of the interest upon money borrowed under this Act ;

In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by the Local Board for their existing waterworks and in respect of money borrowed under this Act ;

And shall carry to the district fund any balance remaining in any year.

Deficiency of funds of waterworks.

44. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Local Board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district may include therein such sums respectively (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rate.

Powers of Act cumulative.

45. All powers rights and remedies given to the Local Board by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Local Board may exercise such other powers as if this Act had not passed.

Expenses of Act.

46. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto including the costs charges and expenses incurred by the Local Board in opposing the Northwich Water Bill of the

A.D. 1885. limited company shall when taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons be paid by the Local Board in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.

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