CHAPTER xli.

An Act for better enabling the Mayor, Aldermen, and Citizens of Oxford to supply Oxford and other places with Water. [14th June 1875.]

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WHEREAS the city of Oxford has been for upwards of sixty years supplied with water by means of waterworks constructed by and the property of the mayor, aldermen, and citizens of Oxford (in this Act called the Corporation):

And whereas it is expedient that the present powers of the Corporation in respect of their waterworks, and of the supply by them of water, should be enlarged, and that they should have power to acquire lands and to construct the reservoir and other works by this Act authorised, and that they should have power to supply water to certain places near to Oxford:

And whereas plans and sections showing the lines and levels of works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, have been deposited with the respective clerks of the peace for the city of Oxford and the counties of Oxford and Berks, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised, which estimates amount to nineteen thousand pounds:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fifth day of November one thousand eight hundred and seventy-four, after ten clear days notice by public advertisement of such meeting and of the purpose

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thereof in the Oxford Chronicle and Berks and Bucks Gazette, a local newspaper published or circulating in Oxford, 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 borough fund:

And whereas such resolution was published twice in the before-mentioned newspaper:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eleventh day of February one thousand eight hundred and seventy-five, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city, by resolution in the 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 Corporation, in the month of September one thousand eight hundred and seventy-three, applied to the Lords Commissioners of Her Majesty's Treasury for leave to borrow thirty thousand pounds for waterworks purposes, and such consent was given as regards eleven thousand pounds, which the Corporation have already borrowed, and such consent is being applied for with respect to the remaining sum of nineteen thousand pounds:

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 Oxford (Corporation) Waterworks Act, 1875."

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863, are, as far as they are applicable, and except where expressly varied by this Act, incorporated with this Act, and shall extend to the existing waterworks of the Corporation as well as to the works by this Act authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Corporation" shall mean the mayor, aldermen, and citizens of Oxford:

The expression "the works," "the waterworks," "the undertaking," and "the waterworks undertaking," shall respectively mean and include the existing waterworks of the Corporation and the waterworks and works in connexion therewith by this Act authorised:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Act to be executed by Corporation.

4. This Act shall (subject to the express provisions of this Act) be executed by the Corporation acting by the council of the city, and subject and according to the Municipal Corporation Acts and other Acts and laws for the time being in force affecting municipal corporations.

Regulation as to committees of council.

5. Where, under the authority of the Municipal Corporation Acts, the council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the council think fit for the purpose of carrying into effect any specific orders of the council, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council, or the council may appoint any committee for any purpose of this Act, so that the acts of every such last-mentioned committee shall be submitted to the council for approval; and the quorum of any such committee as in this section provided for shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee and appoint in the stead of them, or any of them, other members of the council.

Limits within which Corporation may supply water.

6. The limits within which the Corporation may supply water under this Act shall be the district within the parliamentary boundary of the city of Oxford, and such part or parts of the following parishes as may not be within the said parliamentary boundary, namely, Saint Aldate otherwise Saint Tolls, partly in the county of Oxford and partly in the county of Berks, and South Hincksey, in the county of Berks, Cowley, Headington, Iffley otherwise Yeftley, Wolvercot, and Littlemore, in the county of Oxford.

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Power to make works and take lands, &c.

7. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoir, lines of pipes, conduits, and other works shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and books of reference as they require for the purposes of their waterworks: Provided always, that nothing in this Act contained shall enable the Corporation to enter upon, take, or use any of the properties in the parish of Saint Aldate numbered 3 upon the deposited plans.

Describing works.

8. The works by this Act authorised comprise the following:

A reservoir in a field, in the parish of Saint Clement, in the city and county of Oxford, belonging to the trustees of the late Tyrrell Knapp, and occupied by Thomas Knowles:

A main pipe or aqueduct to connect the existing pumping station of the Corporation, in the parish of South Hincksey, in the county of Berks, with the before-mentioned reservoir.

Limits of lateral deviation.

9. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made; and when in any road no such limits are shown, the boundaries of such road shall be deemed to be such limits.

Limits of vertical deviation.

10. In the construction of the waterworks authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections, in the case of the reservoir to any extent not exceeding five feet upwards or seven feet downwards, and in the case of other works, to any extent not exceeding three feet upwards or three feet downwards: Provided always, that the Corporation shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown in each case in the deposited sections.

For protection of the London and North-western Company.

11. Where the Corporation require, in the exercise of any of the powers by this Act conferred upon them, to carry any pipe or other work along any public road crossing, either by a bridge or on the level, any railway, works, or property belonging or leased to the London and North-western Railway Company, such pipe or other work shall be laid down, constructed, and executed under the superintendence and to the reasonable satisfaction of the principal engineer of that Company, but in all things at the expense of the

Corporation, and so as to cause no injury to any such railway or works or property, or impediment to the passage or conduct of traffic on such railway; and if any injury shall arise to such railway or works or property by reason of the bursting or leakage of such pipe, or otherwise by any work, act, operation, or default of the Corporation or any of their contractors, or of their respective servants, agents, or workmen, the Corporation shall make full compensation to that Company in respect of such injury.

Limit of time for compulsory purchases.

12. The powers of the Corporation for the compulsory purchase of lands for the purposes of 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.

13. The Corporation may from time to time, for the purposes of this Act, take by agreement, in addition to the lands which they are authorised to take by compulsion, any lands within the limits of this Act, and may hold the same, not exceeding in the whole at one time seven acres.

Power to take easements, &c.

14. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands, may, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation, for the purposes of this Act or of the recited Acts, any term, estate, easement, interest, right, or privilege (not being an easement of water) in, over, affecting, or belonging to such lands, at a yearly rent or otherwise; and the provisions of those Acts with respect to lands and rentcharges shall, so far as the same are applicable in that behalf, extend and apply to such grants, easements, rights, and privileges.

Period for completion of works.

15. If the waterworks shown on the deposited plans and authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

As to pressure of water.

16. Nothing in this Act contained shall be deemed to require the Corporation to supply water at a pressure greater than that for the time being afforded by the water in the reservoir of the Corporation.

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

17. The Corporation shall, at the request of the owner or occupier of any private dwelling-house, or part of a private dwelling-house, in any street in which any pipe of the Corporation is or shall be laid, or on the application of any person who, under the provisions of this Act, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes; and the Corporation may, from and after the first day of July one thousand eight hundred and seventy-six, take for such supply water rents at a rate not exceeding six pounds per centum per annum upon the annual rackrent or value of such dwelling-house or part of a dwelling-house; and for waterclosets and baths the Corporation may charge as follows; (that is to say,)

For every additional watercloset beyond one in any dwelling-house, any sum not exceeding ten shillings a year:

For every bath (immersion) for private use, containing not more than fifty gallons, nor being more than nine feet area, any sum not exceeding ten shillings per annum, and an increased rent in proportion for a larger bath, with power to the Corporation in respect of any such last-mentioned bath to require that the supply thereto shall be by meter and at such rate as they think fit:

Provided always, that the Corporation shall not be obliged to furnish any supply of water for a less sum than twopence per week.

Where several houses supplied by one pipe, each to pay.

18. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe: Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not liable to pay arrears of water rate.

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

from the payment of such arrears; but the Corporation shall supply water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

Supply of water by measure.

20. The Corporation may, by agreement, supply, by measure or otherwise, water to any person within the limits aforesaid for any purpose other than domestic purposes on such terms and conditions as they and he agree.

Supply to houses partly used for trade, &c.

21. The Corporation shall not be bound to supply with water, otherwise than by measure, any building used as a dwelling-house whereof any part is used as a warehouse, or for any trade or manufacturing purpose for which water is required.

Regulations for preventing waste of water.

22. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation the following provisions shall have effect; (that is to say,)

(1.) The Corporation may from time to time make such regulations as they think fit for those objects: Provided, that such regulations shall have no validity unless and until they shall have been approved by the Local Government Board:

(2.) The Corporation shall not be bound, under any agreement or otherwise, to supply or continue to supply water to any person unless their regulations are duly observed by him:

(3.) The Corporation, if any person does not observe their regulations, may, if they think fit, after twenty-four hours notice in writing, and by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, ball-tap, cock, cistern, or other 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 purposes of such repair, replacement, or alteration, and the expenses thereof shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them in any court of competent jurisdiction.

Power for Corporation to supply water fittings.

23. The Corporation, by agreement with any owner or occupier, may provide new water fittings, or make, or alter, or add to any existing water fittings, and all such fittings shall be and remain the property of the Corporation until payment in respect thereof has been duly made, and shall so long be exempt from distress and from execution under any legal process against such owner or occupier,

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and shall not be disposed of in any manner without the consent of the Corporation, and the amount payable to the Corporation in respect thereof shall be recoverable as water rent is recoverable, and if the same is not paid the Corporation may enter and remove the fittings, and discontinue the supply of water to the owner or occupier.

Provision for waste or undue consumption of water.

24. If any person supplied with water by the Corporation wilfully or negligently suffers any pipe, valve, ball-tap, cock, cistern, or other receptacle for water supplied by the Corporation to be out of repair so that the water supplied to him by the Corporation is wasted or unduly consumed, he shall for every such offence be liable to a penalty not exceeding five pounds, and the Corporation may, after twenty-four hours notice in writing, enter and make such repairs as may be necessary to prevent waste or undue consumption, and the expenses of such repairs shall be recoverable summarily from the offender, or from the owner or occupier.

Penalty for affixing tubes to Corporation's pipes without their consent.

25. If, without the consent of the Corporation, the owner or occupier of any building supplied by the Corporation with water, otherwise than by meter, affixes, or permits or suffers to be affixed, to any of the mains or other pipes of the Corporation, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes for the purpose of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or watering gardens, or for any other purposes whatsoever, he shall for every such offence be liable to a penalty to the Corporation not exceeding five pounds.

For preventing frauds and waste of water.

26. 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, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, 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.

Corporation may remove pipes from unoccupied

27. If and whenever any house, building, or premises which shall have been supplied with water by the Corporation shall be unoccupied, the Corporation, their agents, servants, or workmen,

after giving twenty-four hours previous notice to the owner by serving the notice on him, or leaving the same at his usual place of abode (or, if the owner or his usual place of abode be not known to the Corporation, 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 nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any water fittings or other works the property of the Corporation.

premises on giving notice to the owner.

28. The Corporation may apply any sum, not exceeding nineteen thousand pounds, to the purposes of this Act out of any of the moneys which they are already, or may, with the consent of the Lords Commissioners of Her Majesty's Treasury, be authorised to borrow.

Corporation may apply to waterworks moneys they are already authorised to borrow.

29. The Corporation shall keep a distinct account, to be called "The Oxford Waterworks Account," of all their receipts, credits, payments, and liabilities with respect to their waterworks undertaking.

Waterworks account.

30. The Corporation shall, on the first day of January one thousand eight hundred and seventy-eight, and thenceforth annually on the same day, set apart as a sinking fund for the payment of the money which may be borrowed by them for the purposes of this Act, one sixtieth part of the principal moneys so borrowed, to be accumulated in the way of compound interest, by investing in Exchequer bills or Government securities, and the Corporation shall from time to time apply the sinking fund in repayment of such principal moneys, until thereby, or otherwise, the whole of such principal moneys have been fully paid.

Sinking fund for payment of money borrowed for purposes of Act.

31. Whenever any of the principal moneys borrowed as aforesaid have been paid off by means of the sinking fund set apart for the purpose under the provisions of this Act, the Corporation shall thenceforward, until the whole of the principal moneys whereof the moneys so paid off form part have been paid off, pay into such sinking fund in every year, in addition to the other sums hereinbefore required to be set apart and appropriated to such sinking fund, a sum equal to the annual interest of the principal moneys so paid off: Provided that, whenever and so long as the yearly income arising from such sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, and to be paid off by means of such fund, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such

Application of sinking fund.

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sinking fund of the yearly sums herein-before required to be paid thereto.

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

32. 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 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.

Protection of lenders from inquiry.

33. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application, of such money, or of any part thereof.

Power to re-borrow.

34. If the Corporation pay off any part of any money borrowed by them for the purposes of this Act otherwise than by means of a sinking fund under the powers of this Act, they may re-borrow the same, and so from time to time.

Proof of debt in bankruptcy.

35. If any person against whom the Corporation have any claim or demand under this Act for water rent, or otherwise, becomes bankrupt, or enters into any liquidation by arrangement or composition with creditors, the town clerk in all proceedings in relation to the estate of such person may represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk, and not of the Corporation.

Persons entering into contract with Corporation not disqualified as members of Corporation.

36. Any person entering into any contract with the Corporation relating to the lease, sale, purchase, user, or temporary occupation of lands, or to a loan of money, or to a supply of water, or a water meter, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the city, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such mayor, alderman, or councillor, officer or servant; but no person being mayor, alderman, or councillor shall take part in any discussion or vote in the council respecting such contract.

Liability to rates, &c. not to disqualify justices.

37. A person shall not be incapable of acting as a justice in the execution in any respect of this Act by reason of his being interested in any contract under this Act for a supply of water, or being liable under this Act to the payment of any rent, rate, or other money.

Authentication of notices.

38. Any summons, demand, or notice, or other such document under this Act, may be in writing or print, or partly in writing and partly in print, and if the same requires authentication by the Corporation or by the council, the signature thereof by the town clerk shall be a sufficient authentication.

Several sums in one summons.

39. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Costs of distress.

40. Any justice who issues any warrant of distress for any of the purposes of this Act may order that the costs of the Corporation of and incident to the recovery of the money to be levied shall be paid by the person liable to pay the money, and the costs shall be ascertained by the justices, and shall be included in the warrant of distress for the recovery of the money.

Penalties not cumulative.

41. Penalties imposed on the Corporation for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, and any Act incorporated wholly or in part therewith, shall be deemed several Acts.

Saving the rights of the Chancellor, masters, and scholars, &c.

42. Saving always to the Chancellor, masters, and scholars of the University of Oxford, and to all persons matriculated therein or being members thereof, their rights and privileges of civil and criminal judicature and trial in the courts of the said university alone, as the same have been granted by the charters of the said university and confirmed by divers Acts of Parliament; and saving always to the Chancellor, masters, and scholars of the said university, and their successors, the several bodies politic, corporate, collegiate,

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or sole of the said university, and their successors, their respective rights, privileges, and franchises.

For protection of the Conservators of the River Thames.

43. Nothing in this Act contained shall alter, diminish, or affect the rights, powers, and interests of the Conservators of the River Thames, nor shall the Corporation, under the powers of this Act, commence or construct any work whatever on the shore, banks, bed, or towing-paths of the River Thames or Isis, or of any tributary thereof, until the expiration of one month after notice in writing to the conservators, and then only to the reasonable satisfaction of the engineer for the time being of the conservators, unless he shall fail to attend or to give directions with respect to the work within a reasonable time after receipt of the notice.

Saving rights of Corporation.

44. Nothing in this Act shall take away or abridge any of the rights, powers, or privileges of the Corporation.

Expenses of Act.

45. 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 Corporation out of money received by them under this Act, or out of the borough fund.

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