CHAPTER cix.

An Act to empower the Local Board for the district of Padiham and Hapton in the county of Lancaster to construct and maintain additional waterworks and for other purposes. [12th July 1882.]

A.D. 1882.

WHEREAS by the Padiham Waterworks Act 1854 (herein-after called the Act of 1854) the Padiham Waterworks Company were incorporated and empowered to supply water within the limits defined by that Act: 17 & 18 Vict. c. lxvi.

And whereas by the Padiham Water Act 1874 (herein-after called the Act of 1874) and a deed of transfer dated the sixteenth day of September one thousand eight hundred and seventy-five the undertaking property and rights of the Padiham Waterworks Company were transferred to and vested in the Local Board for the district of Padiham and Hapton in the county of Lancaster (herein-after called the Local Board) together with all the estate and interest of the said company therein and by the Act of 1874 all the powers and authorities under the Act of 1854 were transferred to and are now vested in the Local Board: 37 & 38 Vict. c. lxxviii.

And whereas by the Padiham Local Board Act 1876 (herein-after called the Act of 1876) the Local Board were empowered to supply gas within the township of Padiham and the villages of Habergham or Cheapside and Lower Houses or Thornhill Holme in the township of Habergham Eaves and so much of the township of Hapton as lies on the north side of the Leeds and Liverpool Canal all in the parish of Whalley in the county of Lancaster being the same limits as the limits of their water supply: 39 & 40 Vict. c. xxv.

And whereas it is expedient that the Local Board be empowered to construct additional waterworks and lay down additional conduits and mains in connexion with their water supply:

And whereas the water limits of the Local Board and the district of the Local Board are not co-extensive:

And whereas it is expedient whenever there is in any year a deficiency in the waterworks revenue that one third of such

A.D. 1882.

deficiency should be raised in manner herein-after provided and that other alterations should be made in the powers of the Local Board to charge for the supply of water:

And whereas it is expedient that sub-section 7 of the 50th section of the Act of 1876 should be repealed and that the reserve fund thereby authorised to be formed may be discontinued and that any balance of moneys to be from time to time received from the gas undertaking of the Local Board after satisfying the purposes set forth in sub-sections 1 to 6 inclusive of the same section may be applied in the redemption of the perpetual annuities created by the Act of 1874:

And whereas an estimate has been prepared by the Local Board for the purchase of land for and the execution of the works by this Act authorised and such estimate amounts to forty-one thousand pounds:

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

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the tenth day of November one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Preston Guardian a local newspaper 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 Burnley Gazette a newspaper circulating in the district and has received the approval of the Local Government Board and one of Her Majesty's Principal Secretaries of State:

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 twelfth day of January one thousand eight hundred and eighty-two being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district by resolution in the manner provided by the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference con-

taining the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

1.—Preliminary.

1. This Act may be cited as the Padiham Local Board Act 1882. Short title.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (except where expressly varied by this Act) shall be incorporated herewith and form part of this Act and such Acts and parts or provisions of Acts are in this Act referred to as "the incorporated Acts" and the provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoir by this Act authorised and the works immediately connected therewith and as if such reservoir and works were therein referred to instead of "the railway" and as if the boundaries of the said reservoir and works were therein mentioned instead of "the centre of the railway" and as if the Local Board were therein mentioned instead of the company. 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. 8 & 9 Vict. c. 20.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the district" shall mean the district of the Local Board the expression "the water limits" shall mean the limits within which the Local Board are authorised to supply water and in the Acts wholly or partially incorporated with this Act and also in this Interpretation.

A.D. 1882.

Act the expression "the promoters of the undertaking" "the undertakers" or "the company" shall mean the Local Board the expression "the Public Heath Act" shall mean the Public Health Act 1875 and any Acts for the time being in force amending or extending the same the expression "water rate" shall include every sum of money payable to the Local Board in respect of a supply of water for any purpose and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Local Board.

4. 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 that Act so far as the same shall be applicable thereto and except so far as any of the provisions of the Public Health Act are expressly varied or otherwise provided for by this Act.

II.—Water.

Power to construct waterworks and other works.

5. Subject to the provisions of this Act the Local Board may make and maintain the reservoir aqueducts conduits and other works shown on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto in the lines and situation upon the levels and in over or upon the lands delineated on the deposited plans and sections and described in the deposited books of reference and for those purposes may enter upon and take such of the lands delineated on the deposited plans and described in the deposited books of reference as they may require and for the purposes of this Act may take collect impound divert and use all or any of the streams springs and waters arising upon and within the limits of the gathering grounds containing four hundred and forty acres delineated and coloured respectively red and yellow on a plan signed in duplicate by Lord Eustace Cecil the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy whereof has been deposited in the Private Bill Office of the House of Commons and the other copy whereof with the clerk of the peace for the county of Lancaster and on the site of the reservoir authorised by this Act.

A.D. 1882.

Reservoir and works.

6. The works by this Act authorised and herein-before referred to are wholly situate in the county of Lancaster and comprise the following (that is to say):

1. A reservoir situate partly in the township of Goldshaw Booth in the parish of Whalley and partly in the extra parochial place of Heyhouses adjoining the said parish of Whalley commencing in Churn Clough Brook in the said extra parochial place of Heyhouses at a point one hundred and ten yards or thereabouts measured in a south-westerly direction down that brook from the junction of Craggs Clough Brook with the said Churn Clough Brook and formed by means of an embankment across the said Churn Clough Brook at or near the same junction which embankment commences at a point fifteen yards or thereabouts from the south-western boundary of the field called or known as Greens in the said township of Goldshaw Booth and said parish of Whalley and one hundred and forty yards or thereabouts from the said Churn Clough Brook where the south-western boundary of the same field crosses that brook and thence proceeding or extending in a westerly and north-westerly direction and terminating in a certain field called or known as Little Field in the said township of Goldshaw Booth and parish of Whalley at a point forty-six yards or thereabouts from the north-western boundary of Churn Clough Wood and fourteen yards or thereabouts from the north-eastern boundary of the same field which reservoir extends from the said embankment up the said Churn Clough Brook and terminates at a point sixty yards or thereabouts measured along the course of that brook from the northern boundary of certain fields called Blakely Green Holme and Blakely Green in the said township of Goldshaw Booth and parish of Whalley.

2. A catch-water aqueduct or conduit (called Conduit No. 1) commencing in the bed of the stream called Badger Well Water at the point where the stream flowing from Black Hill on Pendleton Moor in the township of Pendleton and in the said parish of Whalley joins the said stream called Badger Well Water or thereabouts and terminating in the said Churn Clough Brook in a certain inclosure called Bank Hill Moor situate in the said township of Goldshaw Booth and at a point ninety-five yards or thereabouts measured down the said Churn Clough Brook from where the northern boundary of the said Bank Hill Moor crosses the same brook.

A.D. 1882.

3. An aqueduct conduit or line of pipes (called Conduit No. 2) commencing in a well called "Stock Meadow Well" at the east side of a field called Stock Meadow situate in the said township of Goldshaw Booth and parish of Whalley and terminating in the same field by a junction with the said Conduit No. 1 at a point forty yards or thereabouts south-west from the said Stock Meadow Well.

4. A catch-water aqueduct or conduit (called Conduit No. 3) commencing at the eastern corner or thereabouts of an inclosure called Woodhouse Dole situate in the said township of Goldshaw Booth and parish of Whalley and thence proceeding in an irregular line in a south-westerly direction for three hundred and ninety-three yards or thereabouts thence in a southern direction for four hundred and forty-seven yards or thereabouts and thence in a western direction for one thousand three hundred and twenty yards or thereabouts and thence in a northern direction for two hundred and twenty yards or thereabouts and terminating in the said Churn Clough Brook at a point fifteen yards or thereabouts measured down such brook from the northern boundary of the said fields called Blakely Green Holme and Blakely Green where the said Churn Clough Brook crosses the northern boundary of such fields Provided that such conduit or any other works of the Local Board (save the gauges sluices or other works mentioned in section 14 of this Act) shall not receive any water from the stream called Woodhouse Brook delineated on the plan signed and deposited as aforesaid.

5. An aqueduct or conduit (called Conduit No. 4) commencing in an inclosure called Stainscomb Dole in the said township of Goldshaw Booth and parish of Whalley at a point twenty yards or thereabouts on the north side of the southern boundary wall of the said dole and at a distance of one hundred and eighty-five yards or thereabouts from the western boundary of the same dole and terminating by a junction with the said Conduit No. 3 in a field called Banks in the same township and parish at a point thirty-eight yards or thereabouts north of the southern boundary of the said field called Banks and sixty-six yards or thereabouts north-westward from the north-west corner of a barn at the southerly side of that field.

6. An aqueduct or conduit (called Conduit No. 5) commencing in the stream called Ratten Clough in Bank Hill Moor situate in the said township of Goldshaw Booth and parish

A.D. 1882.

of Whalley at a point two yards or thereabouts north of the southern boundary wall of that moor and terminating by a junction with the said Conduit No. 3 in a field called "Ratten Clough Coppy" in the same township and parish at a point twenty yards or thereabouts north from the north-east corner of the barn in the said field called "Ratten Clough Coppy."

7. An aqueduct or conduit (called Conduit No. 6) commencing in the southern corner of Bank Hill Moor aforesaid where the said moor adjoins the western end of the said field called Ratten Clough Coppy and terminating by a junction with Conduit No. 3 in a field called Little Coppy at a point eighty-six yards or thereabouts measured along the south-eastern boundary of the said field called Little Coppy from the gate into the same.

8. An aqueduct or conduit (called Conduit No. 7) commencing in Churn Clough Brook aforesaid in the said township of Goldshaw Booth and parish of Whalley at a point fifteen yards or thereabouts measured down such brook from the northern boundary of the said field called Blakely Green Holme and thence proceeding in an irregular line firstly in a westerly direction across Craggs Clough Brook and thence in a south-westerly direction across a bridleway and footpath and proceeding thence into Churn Clough Wood and terminating in Churn Clough Brook aforesaid in the extra parochial place of Hey houses aforesaid at a point eighty-five yards or thereabouts measured along the said brook in a north-easterly direction from where the westerly boundary of the extra parochial place of Heyhouses aforesaid first crosses the said Churn Clough Brook below the said intended reservoir.

9. An aqueduct conduit or line of pipes (called Conduit No. 8) commencing in the said intended reservoir at a point sixty-nine yards or thereabouts measured up the said Churn Clough Brook from the said junction of Craggs Clough Brook with Churn Clough Brook and terminating in the said Churn Clough Wood at a point one hundred and five yards or thereabouts south-westward from the said junction of Craggs Clough Brook with Churn Clough Brook and ten yards or thereabouts from the south-eastern boundary of that wood.

10. An aqueduct conduit or line of pipes (called Conduit No. 9) commencing at the terminus of Conduit No. 8 by a junction with the same there, and terminating in the said Churn Clough Brook at a point one hundred and twenty-five yards

A.D. 1882.

or thereabouts measured down that brook from the junction with it of Craggs Clough Brook.

11. An aqueduct conduit or line of pipes (called Conduit No. 10) commencing at the terminus of Conduit No. 8 by a junction with the same there and terminating in the township of Padiham and said parish of Whalley by a junction with the present water main of the Local Board in the highway from Padiham to Sabden at a point sixty-six yards or thereabouts south-easterly from the junction of Trap-lane at Wall-green with the said highway from Padiham to Sabden.

12. An approach road commencing in the highway at or near the north-east end of a row of houses called Long Row situate at Sabden in the said township of Pendleton and parish of Whalley and terminating at or near the termination of Conduit No. 8 herein-before described.

Together with all such approaches roads ways embankments bridges dams tanks weirs gauges bye-washes sluices catch water drains culverts tunnels cuts shafts adits borings filter beds filters bridges and conveniences as may be necessary for collecting taking impounding filtering drawing using and distributing water in connexion with the above works. Provided that the Local Board shall not make the Conduit No. 11 shown on the deposited plans.

Lateral and vertical deviation.

7. The Local Board in constructing the works by this Act authorised may make deviations from the line of such works but not exceeding the limits of lateral deviation shown on the deposited plans and may deviate from the levels delineated on the deposited sections to any extent not exceeding three feet upwards and fifteen feet downwards Provided always that the height of the embankments of the reservoir above the general surface of the ground as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid And provided also that the gathering grounds shall not be thereby increased in area.

Period for compulsory purchase of lands.

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

Power to acquire additional lands.

9. In addition to the lands springs streams and waters which the Local Board are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act but subject to the provisions of this Act from time to time by agreement purchase in fee either absolutely or in consideration of any yearly or other rent any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any

right or interest) in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act but the Local Board shall not erect any buildings upon such lands other than offices residences for persons in their employ or such buildings and works as may be incident to or connected with the works by this Act authorised.

Power to divert roads &c.

10. The Local Board may divert all roads bridleways and footpaths on the site of the reservoir herein-before described or marked for that purpose upon the deposited plans and all other roads and ways within the limits of deviation defined on the deposited plans and shown thereon as intended to be diverted which would interfere with the construction use and occupation of the works and lands by this Act authorised to be made and taken and may appropriate for the purposes of this Act the sites of the roads bridleways footpaths and ways so diverted so far as they are bounded on both sides by lands of the Local Board.

Power to take easements &c. by agreement.

11. 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 Local Board any easement right or privilege (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) 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.

Period for completion of works.

12. The works hereby authorised shall be completed within eight years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided always that subject to the provisions of this Act the Local Board from time to time may alter enlarge and extend their tanks filters conduits mains and pipes in such way and manner as shall be necessary for supplying water under this Act.

Compensation water for Churn Clough and other brooks and streams.

13. As full compensation for the waters of the brooks streams springs and wells within the limits of that part of the gathering grounds (containing two hundred and fifty-three acres or thereabouts) delineated and coloured red on the said plan signed and deposited as aforesaid and on the site of the reservoir authorised by this Act the following provisions shall have effect (that is to say) :

A.D. 1882.

1. The Local Board shall deliver out of the proposed reservoir into Churn Clough Brook aforesaid at a point as near as may be to the outer toe of the embankment of the proposed reservoir a regular and continuous flow of not less than one hundred and fifty-six thousand eight hundred gallons of water during every day of twenty-four hours:

2. The Local Board shall construct and for ever after maintain a suitable and efficient gauge or such gauges sluices or other works as shall be requisite to measure the flow of the quantity of water aforesaid:

3. Such gauge or gauges sluices and works shall respectively be open to the inspection and examination of the several persons for the time being interested in the waters so to be discharged or to flow through or over the same respectively:

4. If any difference arise between the Local Board and the parties so interested as aforesaid as to any of the provisions of this section the same shall be determined by a hydraulic engineer to be agreed on between the parties in difference and in default of agreement by a hydraulic engineer to be nominated on the application of either party after seven days notice in writing to the other by the President for the time being of the Institution of Civil Engineers and the costs of the reference and of and incident thereto shall be in the discretion of the arbitrator.

Compensation water for Woodhouse Brook and other streams.

14. Before the Local Board shall take collect divert impound or use under the provisions of this Act any of the streams and waters within the limits of that part of the gathering ground containing one hundred and eighty-seven acres or thereabouts delineated and coloured yellow on the said plan signed and deposited as aforesaid the Local Board shall deliver into such one or more of the brooks immediately below the lower boundary of such limits a regular and continuous flow amounting in the aggregate to not less than one hundred and fifteen thousand eight hundred gallons of water in every day of twenty-four hours and the Local Board shall before taking or using the waters of the said gathering ground in this section described erect and for ever after maintain a suitable and efficient gauge or such gauges sluices or other works as shall be requisite to measure the flow of the quantity of water by this section provided and the provisions of sub-sections 3 and 4 of section 13 of this Act (of which the marginal note is "Compensation water for Churn Clough and other brooks and streams") with respect to the inspection and examination and in case of difference the appointment of an arbitrator shall apply and have effect as if the same were here repeated.

A.D. 1882.

Compensation on failure to supply the stipulated quantities of water.

15. In case the Local Board shall wilfully or negligently fail to discharge the respective quantities of water required as aforesaid to be discharged into Churn Clough Brook and into the other brooks and streams in this Act mentioned or referred to they shall for and during every day on which such failure shall occur pay by way of liquidated damages to the several owners of the estates for the time being interested in the said water and also to the several occupiers for the time being of mills or works affected thereby (such estates mills or works being situated on or adjoining to or deriving water from the Churn Clough Brook or the Sabden Brook or their respective tributaries) the sum of five pounds and every such sum may be recovered in any court of competent jurisdiction.

Compensation to Richard Fort.

16. The Local Board shall pay to Richard Fort of Read Hall in the county of Lancaster within one year next after the passing of this Act the sum of three thousand five hundred pounds and he shall (except as herein-after provided) accept such sum as compensation for his interest in the waters of the streams springs brooks wells and gathering grounds intended to be diverted impounded appropriated taken and used by the Local Board under the powers of this Act.

Section 16 not to affect right of Richard Fort and Le Gendre Nicholas Starkie.

17. The provisions of section 16 of this Act (of which the marginal note is "Compensation to Richard Fort") shall not affect any right or interest of the said Richard Fort or of Le Gendre Nicholas Starkie of Huntroyde in the county of Lancaster in or to any compensation water which under the powers of this Act shall be discharged into the Churn Clough Brook aforesaid.

For the protection of the Woodhouse estate.

18. The following provision shall apply and have effect for the protection of an estate called "Woodhouse" situate in the said township called Goldshaw Booth belonging or reputed to belong to Nicholas Grimshaw:

In order to wash the sheep kept on the said estate called "Woodhouse" the Local Board shall for twelve hours in each of two consecutive days in each and every year after taking the waters of the gathering ground delineated and coloured yellow on the said plan signed and deposited as aforesaid permit the whole of the water collected by and flowing in the said Conduit No. 3 above the point where the same conduit will cross Wicken Clough Stream to flow into the pit in the sheep fold situate on the said estate and numbered 74 on the deposited plans but such water shall be used for sheep washing only and no enlargement of the said pit shall take place without notice to and with the consent of the Local Board. The tenant for the time being of the said estate shall give twenty-four hours previous notice at the least to the clerk to the Local Board of the days on which

A.D. 1882.

in each year he desires the said pit to be supplied with water in manner herein-before mentioned such notice to be given in the ordinary course of post: Provided always that nothing in this section contained shall be construed to authorise the commission of a nuisance.

Water supply to be compensation to millowners &c.

19. The compensation waters aforesaid shall be deemed to be full compensation to all persons interested in the waters abstracted under the powers of this Act from the said springs streams brooks and wells or any of them.

Section 19 not to affect compensation for damage in construction of Conduit No. 10.

20. The provisions of section 19 of this Act (of which the marginal note is "Water supply to be compensation to millowners &c.") shall not prejudice or affect any right of Le Gendre Nicholas Starkie or other the owner for the time being of the Huntroyde estate to compensation in respect of damage (if any) which may arise by the construction of the tunnel forming part of Conduit No. 10 under Padiham heights in the township of Padiham aforesaid to any springs and waters now supplying the mansion and estate of Huntroyde aforesaid.

Power to supply water outside water limits.

21. Subject to the provisions of this Act it shall be lawful for the Local Board from time to time to enter into contracts with the owner of any tenement or hereditaments in the neighbourhood of any of their water mains pipes or works although not within the water limits or with any corporation local board or other local authority within the meaning assigned to that term by the public Health Act or with any company or person whose district or property may be within or without those limits or intersected by or near to any water main pipe or work for supplying such owner corporation local board or local authority company or person as aforesaid with water in bulk upon such terms and conditions and for such periods as may be agreed upon between the Local Board and those other parties respectively: Provided always that the Local Board shall not supply water under any such contracts if and so long as their doing so would prevent them from giving throughout the water limits a sufficient supply of water for domestic purposes: Provided further that no water shall be supplied to any such owner corporation local board or other local authority company or person within or without the water limits which will not be returned within the drainage area of the River Calder at some point above the Corn Mill Weir at Whalley Abbey in the parish of Whalley aforesaid.

Local Board when so required to sell pipes &c.

22. At any time after the passing of this Act the Local Board shall when so required by any other sanitary authority sell to that other sanitary authority all pipes fittings and other apparatus for or

connected with the distribution of water belonging to the Local Board and which shall at that time be laid or lie in the district of that sanitary authority excepting all such pipes mains and other works required and used or that may be required and used for supplying and conveying water into and for any other parts of the water limits at such price and upon and subject to such terms and conditions as may be settled by agreement between the Local Board and that sanitary authority or failing such agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and after any such sale the powers of the Local Board to supply water within the district of that sanitary authority shall cease The proceeds of the sale of any of the said pipes fittings and other apparatus shall be applied in extinguishment of any loan borrowed by the Local Board or with the sanction of the Local Government Board to any other purpose to which capital moneys are applicable.

outside water limits.

23. For preventing waste misuse undue consumption or contamination of the water of the Local Board the Local Board may from time to time make such byelaws (subject to the approval of the Local Government Board) as they think necessary and may thereby prescribe the size nature and strength of the pipes cocks and other apparatus whatsoever to be used and may interdict any arrangements and the use of any pipes cocks or other apparatus which may tend to such waste or misuse undue consumption or contamination as aforesaid but the person or persons supplied or requiring or entitled to be supplied with water by the Local Board or liable to the payment of any rate or rent for such water (herein called consumers) shall not be required to alter or remove in compliance with such byelaws any pipes or apparatus by means of which at the commencement of this Act water is supplied to them by the Local Board unless such pipes or apparatus shall in the opinion of the Local Board be defective or conduce to the waste misuse undue consumption or contamination of water and the Local Board shall have given notice thereof in writing to the consumer and the Local Board (except on emergency) shall allow the consumer not less than ten days after such notice to comply with any requirement thereunder. All byelaws made by the Local Board under this section shall be subject to the provisions contained in sections 182 to 188 both inclusive of the Public Health Act and all penalties incurred for breach of any such byelaws shall be recoverable in manner prescribed by that Act for the recovery of penalties A printed copy of any byelaws purporting to have been made by the Local Board under the powers contained in this section and to be certified by the clerk to the Local Board as a true copy and

Regulations for preventing waste of water.

A.D. 1882.

to be sealed with the seal of the Local Board shall be primâ facie evidence of such byelaws for all purposes.

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

24. If any person supplied with water by the Local Board shall wrongfully cause or suffer any pipe valve cock cistern bath soilpan watercloset or other apparatus or receptacle to be out of repair or to be so used or contrived as that the water supplied to him by the Local Board is wasted misused unduly consumed or contaminated such person shall for every such offence be liable to a penalty not exceeding five pounds and shall forthwith remove replace or alter or permit to be removed replaced or altered any such pipe valve cock cistern bath soilpan watercloset or other apparatus or receptacle to the satisfaction of the Local Board or their duly authorized officer.

Provisions of previous Acts as to waterworks to extend to this Act.

25. Such of the powers and provisions of the Act of 1854 the Act of 1874 and the Act of 1876 relating to the supply of water by the Local Board the protection of the waters and waterworks of the Local Board the prevention of waste of water the dealing summarily with persons wrongfully wasting or improperly taking water the opening of streets and laying down of mains pipes apparatus and works for supplying water within the water limits and the application of penalties as are in force at the passing of this Act and are not repealed or varied by this Act shall extend and apply to this Act and to the waterworks by this Act authorised and the supply of water therefrom.

III.—Rating, &c.

As to rates for supply of water outside Local Board district.

26. Notwithstanding any of the provisions of the Act of 1854 and the Act of 1874 it shall be lawful for the Local Board whenever in any year during which the maximum rates have been charged for the water supplied within the district a deficiency is shown by their audited accounts in the revenue of their waterworks and is liable to be made good out of the general district rates to increase in the following year after such deficiency is shown the rates or rents for all water supplied by them outside the district but within the water limits to such an amount as will from time to time raise one third of such deficiency and such one third shall from time to time be raised by a proportionate increase of the water rates or rents payable by consumers outside the district but within the water limits according to the rack rent or annual value of the tenement supplied with water For the purposes of this section the Local Board shall in making up the revenue accounts of their waterworks charge as against revenue all contributions made within the year to the sinking funds required to be set apart by the Local Board for their waterworks undertaking.

A.D. 1882.

Alteration of section 25 of Act of 1854 as to rates for water supply.

27. Section 25 of the Act of 1854 is hereby altered and amended in such manner that it shall be lawful for the Local Board to charge the owner or occupier of any house or part of a house already supplied with or entitled to a supply of water for domestic use from the Local Board where the rack rent or annual value of such house or part of a house shall not amount to three pounds or where the same shall amount to three pounds but shall not amount to five pounds a rate not exceeding ten shillings and eightpence per annum instead of the rate for a house or part of a house of such respective rack rent or annual value mentioned in that section.

Application of surplus of gas-works revenue to redemption of water works annuities.

28. Sub-section 7 of the fiftieth section of the Act of 1876 is hereby repealed and the Local Board are hereby authorised and empowered to apply the balance of any moneys from time to time received by them after the passing of this Act in respect of their gasworks undertaking (except borrowed moneys) after satisfying the purposes set forth in sub-sections 1 to 6 inclusive of the said section in the redemption of the perpetual annuities issued by the Local Board under the Act of 1874 and in the manner directed by section 16 of that Act.

IV.—Borrowing.

Power for Local Board to borrow.

29. The Local Board may from time to time independently of any other borrowing power borrow at interest on the security of the district fund and general district rate (and in relation to moneys borrowed for waterworks purposes upon the security of that fund and rate and also upon the revenue of their waterworks undertaking or any of such securities) as follows (that is to say):

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose.

For the construction of the waterworks by this Act authorised and for other the purposes of the waterworks undertaking of the Local Board any sums not exceeding in the whole the sum of forty-one thousand pounds.

And the Local Board may mortgage the district fund and general district rate and (as the case may be) the revenue of the waterworks undertaking to secure the repayment of the moneys borrowed with interest.

Power to borrow further sums with approval of Local Government Board.

30. In addition to the moneys which by the last preceding section the Local Board are authorised to borrow they may from time to time with the approval of the Local Government Board borrow at interest on the securities mentioned in the last preceding section or any of them such sum or sums of money as they may require for any of the purposes for which money is by this Act authorised to be borrowed.

A.D. 1882.

Power to re-borrow.

31. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Local Board with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

38 & 39 Vict. c. 83.

Mortgages under Act to be in accordance with Public Health Act.

32. The mortgages from time to time granted by the Local Board under this Act shall be in the form of mortgage of rates given in Schedule 4 to the Public Health Act or to the like effect and the powers and provisions of that Act with respect to mortgages (save as varied by this Act) and transfer of mortgages the appointment of a receiver and otherwise shall apply and have effect with respect to the mortgages granted under this Act.

Power to borrow under 38 & 39 Vict. c. 83.

33. 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 rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act.

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

34. 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.

Amount and period for sinking fund and instalments.

35. The Local Board shall pay off the moneys raised under the provisions of this Act by means of a sinking fund or by equal annual instalments of principal or of principal and interest or by appropriations or annual repayments or by one or more of those modes as they think fit and the sum or sums to be yearly set apart

for the sinking fund or instalments or appropriations or annual repayments shall be of such an amount as will in the opinion of the Local Government Board enable the Local Board to pay off the amount raised under the powers of this Act in the course of eighty years after the passing of this Act but the Local Board shall not be bound to commence the formation of the sinking fund or the payment by instalments appropriations or annual repayments by setting apart or applying any portion of their revenue for the purpose until the expiration of ten years from the passing of this Act.

Separate accounts.

36. The Local Board shall keep a separate account of all their receipts credits payments and liabilities in respect of their waterworks to be called the "water account" and such account shall distinguish capital and revenue and shall be subject to the same provisions as to audit examination report inspection copies and extracts and production of vouchers as other accounts of the Local Board under the Public Health Act.

Apportionment of items.

37. In all cases in which the Local Board keep separate accounts for separate purposes they may apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

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

38. 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 repayment or appropriation is required to be paid or made under this Act or the Local Loans Act 1875 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 repayment or appropriation 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 and the interest thereon 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 summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board

A.D. 1882.

by such return or otherwise that the Local Board have failed to pay or make any instalment repayment or appropriation 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 High Court of Justice.

Application of money borrowed.

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

Saving for existing charges.

40. 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.

Authentication of notices.

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

Saving rights of Local Board.

42. Except as is by this Act expressly provided this Act or anything herein contained shall not take away lessen alter or prejudice any of the estates rights powers or privileges of the Local Board or of the Local Government Board under the Sanitary Acts as defined by the Public Health Act or under that Act or any other Act or Order of the Local Government Board relating to the Local Board.

Expenses of Act.

43. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Local Board out of the district fund and general district rates of the district or out of moneys borrowed under the powers of this Act

and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.