ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act for facilitating the more useful Application of Sewage in *Great Britain* and *Ireland*.

[29th *June* 1865.]

WHEREAS it is expedient to remove Difficulties under which Local Boards and other Bodies having the Care of Sewers labour in disposing of the Sewage of their Districts so as not to be a Nuisance, and to give Facility to such Authorities to make Arrangements for the Application of such Sewage to Land for Agricultural Purposes: Be it therefore 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:

Short Title.

1. This Act, for all Purposes, may be cited as "The Sewage Utilization Act, 1865."

Application of Act.

2. This Act shall not extend to any Part of the Metropolis as defined by the Act of the Session Eighteenth and Nineteenth Years of the present Reign, Chapter One hundred and twenty, for better Local Management of the Metropolis, and shall not, with the Exception of Clause Fifteen, extend to any Parish as defined in the Schedule to this Act in a Part of which Parish the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts, is in force at the Time of the passing of this Act.

3. The

Definition of Sewer Authority.

3. The Expression "Sewer Authority" shall, in the several Places in the Schedule annexed hereto in that Behalf mentioned, mean the Persons or Bodies of Persons referred to in the First Column of the Schedule annexed hereto; and the Term "District," in relation to a Sewer Authority, shall, as respects each Authority, mean the Place in that Behalf referred to in the Second Column of the said Schedule.

"Local Board" shall mean a Local Board authorized in pursuance of the "Public Health Act, 1848," and "The Local Government, Act, 1858," or One of such Acts.

Powers of Sewer Authorities.

4. Sewer Authorities shall have Power to construct such Sewers as they may think necessary for keeping their District properly cleansed and drained, and shall, as respects all Sewers constructed by them or under their Control, whether the same were made before or after the passing of this Act, have all the Powers that Local Boards have, in respect of Sewers vested in or constructed by them, under the Forty-fifth and Forty-sixth Sections of "The Public Health Act, 1848," the Thirtieth Section of "The Local Government Act, 1858," and the Fourth Section of "The Local Government Act, 1858, Amendment Act, 1861," subject to the Provisions of the Fifth and Sixth Sections of the last-mentioned Act, and to the Saving Clauses in "The Local Government Act, 1858," mentioned, from Sixty-eight to Seventy-four, both inclusive; and in *Scotland*, in addition to such of the aforesaid Powers as are applicable to *Scotland*, all the Powers contained in Section Seven (Public Sewers) of Part Four of "The General Police and Improvement (*Scotland*) Act, 1862."

Power of Entry.

5. The Sewer Authority shall have the Powers of Entry conferred by the One hundred and forty-third Section of the "Public Health Act, 1848," for the Purposes of making or keeping in repair any Works made or to be made by them, as well as for the Purposes specified in the said Section.

Payment of Expenses.

6. A Sewer Authority shall pay all Expenses incurred by them in carrying this Act into effect out of the Fund or Rate in the Schedule in that Behalf mentioned, and shall have all such Powers of borrowing Money on the Security of such Fund or Rate as Local Boards have of borrowing Money under "The Local Government Act, 1858," and the Acts amending that Act, on the Security of the Funds or Rates in the said Acts in that Behalf mentioned, subject to the Conditions and Sanction under which such Powers are exercised by Local Boards under the said Acts.

7. A Sewer

Power to take Lands.

7. A Sewer Authority shall, for the Purposes of this Act, have the Powers of taking Lands conferred on Local Boards by the Seventy-fifth Section of "The Local Government Act, 1858," and any Act amending the same.

Compensation.

8. Full Compensation shall be made, out of any Fund or Rate applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount, the same shall be settled by Arbitration, as provided in "The Public Health Act, 1848," or any Act amending the same, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner, in manner provided by the Acts mentioned in this Section.

Power of Sewer Authorities to combine

9. Two or more Sewer Authorities, including under that Expression for the Purposes of this Section Local Boards, may combine together for the Purpose of executing and maintaining any Works that may be for the Benefit of their respective Districts, and all Monies they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District, and shall be raised accordingly.

Sewer Authority may take Proceedings to prevent Pollution of Streams.

10. A Sewer Authority, with the Sanction of Her Majesty's Attorney General in *England*, and of the Attorney General for *Ireland* in *Ireland*, and of the Lord Advocate in *Scotland*, may, either in its own Name or in the Name of any other Person, with the Consent of such Person, take such Proceedings by Indictment, Bill in Chancery, Action, or otherwise, as it may deem advisable, for the Purpose of protecting any Watercourse within its Jurisdiction from Pollutions arising from Sewage either within or without its District; and the Costs of and incidental to any such Proceedings, including any Costs that may be awarded to the Defendant, shall be deemed to be Expenses properly incurred by the Sewer Authority in carrying into effect the Purposes of this Act.

Sewers not allowed to drain into any Stream, &c.

11. Nothing contained in this Act, or in the Acts referred to therein, shall authorize any Sewer Authority to make a Sewer so as to drain direct into any Stream or Watercourse.

12. The

Power to Public Works Loan Commissioners to lend Money to Sewer Authorities.

12. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any Sewer Authority, upon the Security of any Rate applicable to the Purposes of this Act, without any further Security, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State, to be applied by such Authority in carrying into effect the Purposes of this Act.

Powers of Act cumulative.

13. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Sewer Authority by Act of Parliament, Law, or Custom; and the Sewer Authority may exercise such other Powers in the same Manner as if this Act had not passed.

Sewer Authority may enter into Contract for Supply of Sewage.

14. The Sewer Authority of any Place may from Time to Time, for the Purpose of utilizing its Sewage, agree with any Person or Body of Persons, corporate or unincorporate, as to the Supply of such Sewage, and Works to be made for the Purpose of that Supply, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Twenty-five Years.

Application of 27 & 28 Vict. c. 114. to Works, &c. for Supply of Sewage.

15. The making of Works of Distribution and Service for the Supply of Sewage to Lands for Agricultural Purposes shall be deemed an "Improvement of Land" authorized by the "Land Improvement Act, 1864," and the Provisions of that Act shall apply accordingly.

Board of Works in Ireland to have Power of Secretary of State in Sewage Matters.

16. The Commissioners of Public Works in *Ireland* shall, in respect to any Sewage Authority or Sewage Matter in *Ireland*, have and exercise all the Powers conferred by this Act, or any Act incorporated herewith, on One of Her Majesty's Principal Secretaries of State; and all Applications by this Act, or any Act incorporated herewith, authorized or directed to be made to One of Her Majesty's Principal Secretaries of State in respect to Sewage Matters, or the Powers conferred by this Act on Sewage Authorities, shall in *Ireland* be made to the Commissioners of Public Works; and all Orders made on such Applications by said Commissioners shall have the same Force and Effect as Orders made by One of Her Majesty's Principal Secretaries of State on similar Applications in *England* and *Scotland*.

SCHEDULE.

ENGLAND AND WALES.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Mayor, Aldermen, and Burgesses acting by the Council.	In Boroughs, with the Exception of the Boroughs of Oxford and Cambridge, not within the Jurisdiction of a Local Board.	The Borough Fund or Borough Rate.
The Commissioners, Trustees, or other Persons intrusted by any Local Act of Parliament with Powers of improving, cleansing, lighting, or paving the Town.	The Boroughs of Oxford and Cambridge, and any Town or Place not included within the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, lighting, or paving any Town.	Any Rate leviable by the Commissioners, Trustees, or other Persons.
The Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.	In Parishes not within the Jurisdiction of any Sewer Authority herein-before mentioned, and in which a Rate is levied for the Maintenance of the Poor.	The Poor Rate.

SCOTLAND.

The Town Council -	Places within the Jurisdiction of any Town Council and not subject to the separate Jurisdiction of Police Commissioners or Trustees.	The Revenue of the Burgh, or any Rate applicable to Sewers leviable by the Town Council.
The Police Commissioners or Trustees.	In Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners or Trustees under any General or Local Act.	Any Rate leviable by the Commissioners or Trustees, or any Fund belonging to them.
The Parochial Board -	Any Town or Village not included in the above Descriptions.	The Poor Rate.

IRELAND.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Right Hon. the Lord Mayor, Aldermen, and Burgesses.	The City of Dublin - - -	The District Sewer Rate.
The Mayor, Aldermen, and Burgesses.	Towns Corporate or Boroughs (with the Exception of Dublin).	Any Rate leviable by the Town Council, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Commissioners or other Governing Body.	Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	Any Rate leviable by these Bodies, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Board of Guardians or any Committee thereof appointed by the Board.	Any Town or Village in any Union not included in the above Descriptions.	The Poor Rate; but the Expenses to be charged only on the Electoral Division in which the Town or Village is situated.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.