ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CXIII.

An Act for facilitating the Distribution of Sewage Matter over Land, and otherwise amending the Law relating to Sewer Authorities.

[20th *August* 1867.]

WHEREAS the Governing Bodies of Cities, Towns, and other Places are required by divers Acts of Parliament effectually to drain their Districts: And whereas it is expedient to give further Facilities for the Distribution for Agricultural Purposes of Sewage Matter over Land, and otherwise to amend the Law relating to Sewer Authorities:

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:

Preliminary.

1. This Act may be cited for all Purposes as The Sewage Utilization Act, 1867. Short Title.

2. The Expression "Sewer Authority" shall in this Act have the same Meaning as in The Sewage Utilization Act, 1865, and in addition Definition of Sewer Authority.

addition shall include a Local Board, and shall in this Act and the said Sewage Utilization Act, 1865, include any Collegiate or other Corporate Body required or authorized by or in pursuance of any Act of Parliament to divert its Sewers or Drains from any River or to construct new Sewers, and any Public Department of the Government; and any Person appointed by the Secretary of State in pursuance of the Forty-ninth Section of The Sanitary Act, 1866, to perform the Duty of a Sewer Authority or Local Board that has been guilty of a Default as therein mentioned, shall, in the Performance of such Duty and for the Purposes thereof, be invested with all the Powers of the Sewer Authority or Local Board in default, except the Power of levying Rates.

Powers for Distribution of Sewage.

Sewer Authority may exercise without their District Powers in relation to Distribution of Sewage.

3. A Sewer Authority may, without their District, provide any Works and do any Act for the Purpose of receiving, storing, disinfecting, or distributing Sewage which they may provide or do within their District, subject to the Conditions to which they would be subject in providing such Works or doing such Acts within their District, and to the Conditions imposed on Local Boards in carrying into effect the Fourth Section of The Local Government Act (1858) Amendment Act, 1861.

Sewer Authority may purchase Land for Distribution of Sewage in pursuance of Sect. 75 of Local Government Act. 21 & 22 Vict. c. 98.

4. A Sewer Authority for the Purpose of receiving, storing, disinfecting, and distributing Sewage, and of the Construction of any Works for receiving, storing, disinfecting, or distributing Sewage, and of the Construction of any Sewer or Drain, or for any of the above Purposes, may purchase or take on Lease any Lands either within or without their District, and shall for carrying into effect any such Purchase have all the Powers of taking Land conferred by the Seventy-fifth Section of The Local Government Act, 1858, as amended by this Act.

Power for Sewer Authority to deal with Land appropriated to Sewage Purposes.

5. A Sewer Authority may deal with any Land held by them for the Purpose of receiving, storing, disinfecting, or distributing Sewage in such Manner as they deem most profitable, either by leasing the same for a Period not exceeding Seven Years for Agricultural Purposes, or by contracting with some Person to take the whole or a Part of the Produce of such Land, or by farming such Land and disposing of the Produce thereof; subject to this Restriction, that in any Appropriation which may be made of Land held by a Sewer Authority for the above Purposes, Care shall be taken that Provision be made for receiving, storing, disinfecting, or distributing all the Sewage which it is the Duty of the Sewer Authority to cause to be disposed of in that Manner.

Special

Special Drainage District.

Repeal of Part of Sect. 2 of 28 & 29 Vict. c. 75., excluding from Act Parish partly under Local Government Act.

6. There shall be repealed so much of the Second Section of "The Sewage Utilization Act, 1865," as provides that "this Act "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."

Where Part of Parish is at Time of passing of this Act under 21 & 22 Vict. c. 98., the other Part constituted a Special Drainage District.

7. Where Part of a Parish as defined in the Schedule to The Sewage Utilization Act, 1865, as amended by this Act, is at the Time of the passing of this Act subject to the Jurisdiction of a Local Board in pursuance of the Local Government Act, 1858, the Portion of such Parish which is not subject to the Jurisdiction of any Local Board shall for the Purposes of The Sewage Utilization Act, 1865, and of this Act, be deemed to be by this Act constituted a Special Drainage District, unless the Secretary of State, upon Petition presented to him in manner provided by the Sixth Section of The Sanitary Act, 1866, within Three Months after the passing of this Act, otherwise directs.

It shall not be necessary in the Case of Part of a Parish which is by this Section constituted a Special Drainage District, to give the Notices required by Section Seven of The Sanitary Act, 1866.

Power of undefined inhabited Place to apply to be constituted a Special Drainage District.

8. Any inhabited Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State in manner provided in the Sixteenth Section of The Local Government Act, 1858, to settle its Boundaries for the Purposes of The Sewage Utilization Act, 1865, and of this Act, and the Secretary of State may, by Order made in manner provided by the said Section, settle the same accordingly, and from and after the Date of such Order the Place shall be deemed to have been constituted a Special Drainage District for the Purposes of the said Sewage Utilization Act, 1865, and of this Act.

A Copy of the Order of the Secretary of State shall be published in manner provided by the Seventh Section of The Sanitary Act, 1866, and that Section shall be construed in reference to a Special Drainage District formed under this Section as if the Order of the said Secretary of State were substituted for "Resolution of a Sewer Authority."

Time for Appeal against Special Drainage District.

9. No Petition of Appeal shall be presented to the Secretary of State in pursuance of the Sixth Section of The Sanitary Act, 1866, except within Three Months after the Date of the Resolution forming the District, and the said Section shall be read as if after the

the Words "Petition in Writing under their Hands" there were inserted the Words "presented within Three Months after the Date "of the Resolution forming the District."

Union of Districts.

Constitution of Joint Sewerage District.

10. Where it appears to the Sewer Authority of any District that it would be for the Advantage of such District, and of any District or Districts adjoining or lying within the same Drainage Area, or otherwise conveniently situate, that all such Districts should be formed into a United District for the Purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such Purposes, such Sewer Authority may, with the Consent of the Sewer Authority of every District affected, apply to One of Her Majesty's Principal Secretaries of State for an Order forming such Districts into One District, herein-after referred to as a United District, and the Secretary of State, if satisfied of the Expediency of such Union of Districts, may make an Order accordingly.

Advertisement of Intention to form United District.

11. The Intention of a Sewer Authority to apply to One of Her Majesty's Principal Secretaries of State for an Order forming a United District shall be advertised in some Newspaper circulating within the Area of such proposed United District once at least in each of the Three Weeks before such Application is made.

Constitution of Joint Sewerage Board.

12. A United District shall be subject to the Jurisdiction of a Joint Sewerage Board consisting of Members elected by each of the Sewer Authorities of the component Districts in such Manner as may be determined by the said Secretary of State, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having a Capacity to acquire and hold Lands for all the Purposes of The Sewage Utilization Act, 1865, and of this Act, or for any of such Purposes.

The First Meeting of a Joint Sewerage Board shall be held in such Manner and at such Time as may be determined by the said Secretary of State, and "the Rules as to Proceedings of Drainage Boards" contained in the Second Part of the Schedule annexed to The Land Drainage Act, 1861, shall apply to a Joint Sewerage Board constituted under this Act.

Powers of Joint Sewerage Board.

13. A Joint Sewerage Board shall, in the United District, have all the same Powers, except the Power of levying a Rate, and be subject to the same Obligations, so far as relate to the Purposes of its Constitution, as if it were the only Sewer Authority of that District, subject

subject to this Proviso, that the said Joint Board may delegate to any Sewer Authority of a component District such Powers of Superintendence or otherwise within its own District as such Joint Board think fit.

Expenses of Joint Sewerage Board how defrayed.

14. Any Expenses incurred by a Joint Sewerage Board in pursuance of this Act shall be defrayed out of a Common Fund to be contributed by the component Districts in proportion to the rateable Value of each District, or in such other Proportion as the said Secretary of State may, with the Consent of the Sewer Authority of each component District, by Order determine.

The rateable Value of a District shall be deemed to be the Value on which any such Rate would be assessed as would, if such District were not in union, be applicable by the Sewer Authority of that District to the Payment of any Expenses legally incurred by that Authority, and the Amount of Contribution shall be paid out of such last-mentioned Rate, and the Sewer Authority of each component District shall levy the same accordingly.

Contribution to Works under Contracts.

Sewer Authority, &c. may contribute to Works under Contracts relating to Supply of Sewage.

15. Where a Sewer Authority, or any Corporate or other Body, under any Power enabling them in that Behalf, or by any Agreement confirmed by Parliament, has agreed or hereafter agrees with any Person or Persons or Body of Persons, corporate or unincorporate, as to the Supply of all or any of the Sewage of any Place, and the Works to be made for the Purpose of that Supply, they may contribute to the Expense of carrying into execution by such Person or Persons or Body of Persons all or any of the Purposes of such Agreement, and may become Shareholders in any Company with which any Agreement in relation to the Matters aforesaid has been or may hereafter be entered into by such Sewer Authority or Corporate or other Body, or to or in which the Benefits and Obligations of such Agreement may have been or may be transferred or vested; and all Expenditure in consequence of the Exercise of the Power hereby conferred shall be deemed to have been incurred by such Sewer Authority or Corporate or other Body in the Construction or due Maintenance of the necessary Sewers for carrying away the said Sewage, and shall be provided for accordingly.

Amendment of Acts.

Amendment of Definitions.

16. "Parish" in the Schedule to The Sewage Utilization Act, 1865, shall include any Township or other Place in which a separate Rate is levied for the Relief of the Poor, and "Sewer Authority" in the Thirty-seventh Section of The Sanitary Act, 1866, shall include a Local Board.

17. Where

In Parishes a separate Rate to be levied for Sewage Purposes.

17. Where the Sewer Authority of a District is a Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of Vestry or Select Vestry, such Authority shall for the Purpose of defraying any Expenses incurred in carrying into effect The Sewage Utilization Act, 1865, or this Act, issue their Precept to the Overseers of the Parish of which they are the Authority, requiring such Overseers to pay over the Amount specified in such Precept to the Sewer Authority, or to their Officer named in the Precept, or into some Bank mentioned in such Precept.

The Overseers shall comply with the Requisitions of such Precept by levying a separate Rate in the same Manner as if it were a Rate for the Relief of the Poor, with this Exception, that the Owner of any Tithes or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall, where a special Assessment is made for the Purpose of such Rate, be assessed in respect of such Property in the Proportion of One Fourth Part only of the rateable Value thereof; or, where no special Assessment is made, shall pay in respect of the said Property One Fourth Part only of the Rate in the Pound payable in respect of Houses and other Property.

A separate Rate under this Act shall, as respects the Powers of the Overseers in relation to making, assessing, and levying such Rate, and as respects the Appeal against the same, and all other Incidents thereof except the Purposes to which it is applicable, be deemed to be a Rate levied for the Relief of the Poor.

The Expression "Overseers" shall include any Officer authorized to levy a Rate in a Special Drainage District, and any Person or Body of Persons authorized or required to levy Rates for the Relief of the Poor.

Penalty on Nonpayment of Rates by Overseers.

18. In case the Amount ordered by any Precept of a Sewer Authority to be paid by the Overseers of any Parish be not paid in manner directed by such Precept and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Sewer Authority or by any Person authorized by the Sewer Authority, to issue his Warrant for levying the Amount or so much thereof as may be in arrear by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the

next

next Levy which is directed to be made in such Parish for the Purposes of The Sewage Utilization Act, 1865, or this Act, and shall be collected by the like Methods.

Saving Clause.

19. 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 Authority by Act of Parliament, Law, or Custom, and such other Powers may be exercised in the same Manner as if this Act had not passed. Powers of Act to be in addition and not in derogation of other Powers.

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