CHAPTER clxxxii.

An Act to authorise the Southport Birkdale and West Lancashire Water Board to make new waterworks and for other purposes. [4th August 1905.]

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WHEREAS the Southport Birkdale and West Lancashire Water Board (hereinafter called "the Board") were by the Southport Water (Transfer) Act 1901 (hereinafter called "the Act of 1901") incorporated with perpetual succession and a common seal to take over the undertaking of the Southport Waterworks Company:

And whereas under the powers of the Act of 1901 the Board have taken over the undertaking of the said company and are now the authority for the supply of water and are supplying water within the limits of supply of the said Act:

And whereas the demand for water within the area of supply of the Board has increased and continues to increase and it is necessary that the Board should purchase additional lands and construct the additional works in this Act described:

And whereas it is expedient that the Board should be authorised to acquire the necessary land and execute the necessary works and borrow the money required for the same:

And whereas the Board have caused estimates to be prepared for the following purposes:—

For the purchase of land and for the execution of the works authorised by this Act the sum of one hundred and six thousand four hundred pounds;

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For new mains extensions of mains service pipes and meters sixty thousand pounds; and

For additions to the existing Springfield pumping station four thousand pounds:

And whereas the several works mentioned in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas it is expedient that the Board should purchase the pipes and other apparatus belonging to the Right Honourable the Earl of Derby in the parish of Bickerstaffe and that the Board should be authorised as in this Act provided to borrow the sum requisite for that purpose:

And whereas it is expedient to extend the water supply limits of the Board:

And whereas it is expedient that the other provisions in this Act should be made:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands by this Act authorised to be acquired and a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of the lands 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 palatine of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Southport Birkdale and West Lancashire Water Board Act 1905.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Lands.
Part III.—Water.
Part IV.—Supply.
Part V.—Finance.
Part VI.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) the Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) and for the purpose of incorporation with this Act section 44 of the said Act shall be read and have effect as if the words "with the consent in writing of the owner "or reputed owner of any such house or of the agent of such "owner" were omitted therefrom the Waterworks Clauses Act 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway (but such provisions shall only apply to the reservoir and waterworks by this Act authorised to be constructed and in reading such provisions "the Company" shall mean the Board and "the railway" shall mean the reservoir and waterworks by this Act authorised) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Act of 1901 have the same respective meanings unless there be something in the subject or context repugnant to such construction:

And in this Act—

"The Act of 1901" means the Southport Water (Transfer) Act 1901;

"The undertaking" means and includes the whole of the undertaking of the Board;

"The rural council" means the West Lancashire Rural District Council.

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Extension of limits of supply.

5. The Board's limits of supply as defined by section 4 of the Act of 1901 are hereby extended so as to include the township and parish of Bickerstaffe in the rural district of West Lancashire.

Part II.

Lands.

Power to take lands by compulsion.

6. Subject to the provisions of this Act the Board may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of the undertaking.

As to footpaths.

7.—(1) Notwithstanding anything shown on the deposited plans the Board shall not stop up or divert or in any way interfere with the public footpath numbered 5 and 8 on the deposited plans for the parish of Aughton.

(2) The Board may divert the public footpath shown in the field numbered 12 on the deposited plans for the parish of Aughton and may stop up and cause to be discontinued as a public footpath so much thereof as will be rendered unnecessary by such diversion but the said existing footpath shall not be diverted until the footpath to be substituted in lieu thereof shall have been formed with a hard surface of a width of not less than four feet and fenced on both sides thereof with open fencing and shall have been completed to the satisfaction of the rural council.

Power to acquire easements only for aqueducts.

8.—(1) The Board may in lieu of acquiring any lands for the purpose of the aqueducts conduits line or lines of pipes authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the aqueducts conduits line or lines of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) Provided that as regards any lands taken or used by the Board for the purpose of such aqueducts conduits line or lines

of pipes where they are respectively laid underground the Board shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Board.

(3) Provided also that (except as to lands forming part of a street) nothing in this section contained shall authorise the Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Correction of errors &c. in deposited plans and book of reference.

9. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk to the rural council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

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

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Power to retain sell &c. lands.

11. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Board may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein which may have been or may be acquired by them under the Act of 1901 or under this Act and which are not required by them for the purposes of the undertaking and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

PART III.

WATER.

Power to make waterworks.

12. Subject to the provisions of this Act the Board may in the parishes of Bickerstaffe and Aughton in the rural district of West Lancashire in the county palatine of Lancaster and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

(1) A reservoir (hereinafter called "the Royal Oak Reservoir") to be wholly situate in the said township and parish of Bickerstaffe in the fields or enclosures numbered 690 691 693 and 718 on the $\frac{1}{2500}$ Ordnance map of that parish (1st edition 1893) to be formed by means of a dam or embankment 10 chains or thereabouts in length crossing the stream called Knoll Brook at a point on the said stream 4 chains or thereabouts measured in a direct line in a north-easterly direction from the south-easterly corner of the building known as Royal Oak which reservoir will extend from the said dam or embankment up the said Knoll Brook to a point thereon 15 chains or thereabouts measured

in a direct line in a north-easterly direction from the said south-easterly corner of the said building known as Royal Oak the said dam will extend from the centre of Knoll Brook 2 chains or thereabouts in a south-easterly direction and 1 chain or thereabouts in a north-westerly direction and then 7 chains or thereabouts in a north-easterly direction:

(2) A pumping station (hereinafter referred to as "the Bickerstaffe Pumping Station") with a well bore holes adits and other works and conveniences connected therewith to be wholly situate in the said township and parish of Bickerstaffe in the fields or enclosures numbered 208 690 and 718 on the said $\frac{1}{2500}$ Ordnance map (1st edition 1893):

(3) A line or lines of pipes (No. 1) commencing in the said township and parish of Bickerstaffe at or in the Bickerstaffe Pumping Station and terminating in the parish of Aughton in the said rural district in the service reservoir hereinafter described and which said line or lines of pipes will be situate in or pass from through or into the several parishes and places following or one of them that is to say the said parishes of Bickerstaffe and Aughton:

(4) A line or lines of pipes (No. 2) wholly in the said township and parish of Bickerstaffe commencing by a junction with the said line of pipes No. 1 at a point on the road known as Liverpool Road 26 chains or thereabouts measured in a direct line in a north-easterly direction from the said south-easterly corner of the building known as Royal Oak and terminating at a point in the said road at the junction therewith of Church Road:

(5) A line or lines of pipes (No. 3) commencing in the said township and parish of Bickerstaffe in the Royal Oak Reservoir near the embankment thereof and terminating in the said field or enclosure numbered 208 on the said $\frac{1}{2500}$ Ordnance map of that parish at a point measured in a direct line in a south-easterly direction 9 chains or thereabouts from the said south-easterly corner of the building known as Royal Oak:

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(6) A covered service reservoir to be wholly situate in the said parish of Aughton on lands belonging to the Board in the fields or enclosures numbered 915 961 and 962 on the $\frac{1}{2500}$ Ordnance map of that parish (1st edition 1893) and adjoining and on the south-westerly side of the existing Gorse Hill service reservoirs of the Board:

(7) A water tower and tank wholly situate in the said parish of Aughton on land belonging to the Board in the field or enclosure numbered 915 on the $\frac{1}{2500}$ Ordnance map of that parish (1st edition 1893) and near the north-westerly corner of the said existing Gorse Hill service reservoirs of the Board.

Limitation as to adits &c.

13. None of the adits tunnels or works for the collecting of water which the Board may construct under the provisions of this Act shall be driven to any point nearer than two miles from any of the existing pumping stations of the mayor aldermen and burgesses of the borough of St. Helens.

Limits of deviation.

14. In the construction of the works authorised by this Part of this Act the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say):—

The Board shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition:

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of waterworks.

15. If the works authorised by this Act are not completed within the following periods from the passing of this Act that is to say as to Works Nos. 1 2 3 4 and 5 respectively within

seven years as to Works Nos. 6 and 7 respectively within ten years the powers by this Act granted for the making thereof and otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Board from extending enlarging deepening or increasing the number of altering or removing any of their engines machinery wells shafts drifts adits standages mains or pipes at any time and from time to time as the Board may think fit for the purposes of their undertaking.

Power to take waters.

16. Subject to the provisions of this Act the Board may for the purposes of the undertaking collect impound take use divert and appropriate such of the waters of the Knoll Brook and all tributaries and streams flowing into that brook and other springs and waters as can be taken or intercepted by the waterworks authorised by this Act and all waters found in or under any of the lands acquired by the Board compulsorily under the powers of this Act.

Powers for repairs of aqueducts and temporary discharge of water into streams.

17. For the purpose of executing any necessary work of repair or of cleansing or of examining any reservoir aqueduct conduit or other works by this Act authorised or the existing or authorised reservoirs and works of the Board the Board may cause the water in any such reservoir aqueduct conduit or works to be temporarily discharged into any available stream or watercourse.

In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

For protection of Earl of Derby.

18. For the protection of the property of the Right Honourable Frederick Arthur Earl of Derby (who and his sequels in estate are hereinafter referred to as "the Earl of Derby") the following provisions shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections and unless otherwise agreed between the Earl of Derby and the Board apply and have effect (namely):—

(1) If the Board do not before the thirty-first day of December one thousand nine hundred and seven

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certify in writing to the Earl of Derby that they have obtained or are in course of obtaining by means of the Bickerstaffe Pumping Station such a supply of water as to render it desirable to maintain or complete and maintain that station the Board shall on the written request of the Earl of Derby at any time after the thirty-first day of December one thousand nine hundred and seven remove all buildings fences and other erections and works erected or executed by them for the purposes of that station and shall as far as practicable restore the land whereon the same were placed or executed to the same condition as when the Board entered thereon under the powers of this Act and shall also pay to the Earl of Derby rent for the land occupied by them at a rate per diem equal to one penny per square yard per annum and shall pay all compensation to which any tenants of the Earl of Derby may be entitled in respect of damage to or injuriously affecting their respective holdings or any part thereof:

(2) The Board shall if they certify as aforesaid proceed without undue delay to complete the Bickerstaffe Pumping Station so far as it may remain to be completed:

(3) The Board shall within six months from the passing of this Act purchase from the Earl of Derby and the Earl of Derby shall sell to the Board the water mains pipes and apparatus belonging to the Earl of Derby delineated and shown by blue lines upon a plan signed in triplicate by the Right Honourable Henry de Vere Baron Barnard the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited with the Clerk of the Parliaments one copy with the Private Bill Office of the House of Commons and one copy with the Board at their office and the price to be paid by the Board for the purchase thereof is the sum of one thousand eight hundred and thirty-three pounds:

(4) In the event of the discontinuance for any reason whatsoever of the supply of water now being obtained by

the Earl of Derby from the Skelmersdale Urban District Council for the use of his tenants in the township and parish of Bickerstaffe the Board shall on the application of the Earl of Derby connect the pipes delineated and shown by blue lines on the said plan with their existing water mains at or near the boundary of the Board's limits of supply at the point in the road known as Long Lane where the said limits are coterminous with the boundary of the township and parish of Bickerstaffe and shall until the Bickerstaffe Pumping Station is completed and in operation constantly supply water by means of such mains and pipes to all houses and premises of the Earl of Derby in the township and parish of Bickerstaffe so supplied as aforesaid under such pressure as will cause it to rise to the same height in such houses and premises as the present supply from the Skelmersdale Urban District Council does through the pipes delineated and shown by blue lines on the said plan The Earl of Derby shall pay to the Board for all water supplied under the provisions of this subsection after the rate of sixpence per thousand gallons:

(5) In constructing the Royal Oak Reservoir the Board shall not make the dam or embankment crossing the stream called Knoll Brook of a greater height than that shown on the deposited plans unless with the consent of the Earl of Derby:

(6) After the construction of the Royal Oak Reservoir the Board shall provide and for ever maintain a drinking trough for cattle in the field of the Earl of Derby situate on the south-westerly side of Simonswood Lane and keep the same constantly supplied with an adequate supply of water:

(7) The Board shall if they certify as aforesaid at their expense lay down at such levels as will not interfere with agricultural operations cast-iron pipes of the internal diameters and in the lines delineated and shown by red figures and lines on the said plan and shall at their expense maintain the same in all respects to the reasonable satisfaction of the Earl of

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Derby who shall not require the payment of any wayleave in respect thereof:

(8) The Earl of Derby shall immediately after the Bickerstaffe Pumping Station is completed and in operation be entitled free of cost as a preferential claim to have delivered in the township and parish of Bickerstaffe for his use and for the use of his tenants and the Board shall deliver through the pipes delineated and shown by the blue and red lines upon the said plan at such place or places in the township and parish of Bickerstaffe as the Earl of Derby may prescribe a supply of water equal to twenty gallons per head of the population of the township and parish for each consecutive period of twenty-four hours throughout the year but the Board shall not under the provisions hereof be compelled to supply free of cost a greater quantity of water than forty thousand gallons in each consecutive period of twenty-four hours and all water supplied in excess of the above maximum quantity to the Earl of Derby or his tenants shall be paid for by him after the rate of sixpence per thousand gallons Provided always that until the pipes delineated and shown by red lines on the said plan are laid pursuant to the provisions of the immediately preceding subsection of this section the liability of the Board under this subsection shall be limited to the supply of so much water as can be supplied through the pipes delineated and shown by blue lines on the said plan and through such sections of the pipes delineated and shown by red lines on the said plan as shall for the time being be laid:

(9) Notwithstanding anything contained in section 41 of the Act of 1901 all water supplied within the township and parish of Bickerstaffe shall after the Bickerstaffe Pumping Station shall be completed and in operation be constantly laid on under such pressure as will cause it to reach the top storey of the highest houses in the township and parish of Bickerstaffe and to adequately supply such houses Provided always that the Board shall not be liable to any penalty for not

supplying water if the failure to supply shall arise from frost unusual drought or other unavoidable cause or accident:

(10) The Board shall at their expense provide and maintain to the reasonable satisfaction of the Earl of Derby sufficient and proper water meters for measuring the amount of water to be supplied to the Earl of Derby in bulk in pursuance of this Act and every such meter shall be at all times open to inspection and examination by any persons authorised in that behalf by the Earl of Derby:

(11) All works and things which under the provisions of this Act are to be executed or done for the protection or accommodation of the Earl of Derby shall be in all respects executed and done under the supervision and to the reasonable satisfaction of the Earl of Derby and no nuisance annoyance or unsightly appearance shall be created or occasioned by the Board in the execution of this Act on or so as to affect any property of the Earl of Derby and if created or occasioned the same shall on the request of the Earl of Derby be abated discontinued or removed by and at the expense of the Board:

(12) The Board shall pay and the Earl of Derby shall accept the price or sum of one hundred and twenty pounds per acre and so in proportion for any less quantity than an acre for all lands which the Board shall take for the purpose of the waterworks authorised by this Act such price or sum to cover all severance damage and in addition the Board shall pay to the Earl of Derby in perpetuity an annual rent calculated at the rate of three half pence per lineal yard for every line of pipes which under the provisions of subsections (3) and (5) of the section of this Act of which the marginal note is "Power to make waterworks" are laid in lands of his and are not purchased and taken by the Board for the purpose of the Bickerstaffe Pumping Station The Board shall pay to all tenants of the Earl of Derby in respect of damage to or injurious affection of their holdings by reason of the laying of pipes pursuant to the

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provisions of this Act such compensation as may be agreed on or as in default of agreement may be settled by arbitration in manner provided by the Lands Clauses Acts:

(13) In the construction and maintenance of the line or lines of pipes No. 1 the Board shall first carefully remove from the surface all turf and surface soil on the line to be constructed on the estate of the Earl of Derby and on the completion of the works or of any repair or other maintenance they shall replace the turf and restore the surface as nearly as may be to its former level and state All surplus material arising from the construction or maintenance of the said line or lines of pipes shall be disposed of as the Earl of Derby may from time to time direct on the estate or taken away:

(14) All fences gates watercourses roads conveniences and other matters and things belonging to the Earl of Derby which may be interfered with by the Board during construction maintenance or repair of the works by this Act authorised shall forthwith after such interference be made good by the Board:

(15) The Board shall make good the drainage of the lands of the Earl of Derby in the township and parish of Bickerstaffe where interfered with by the works of the Board or at his option shall permit him to employ his own workmen for that purpose the Board paying all reasonable costs thereof The Board shall also from time to time at the request of the Earl of Derby provide for the present or future drainage of the lands of the Earl of Derby in the township and parish of Bickerstaffe suitable pipes and culverts across the line or lines of pipes which under the provisions of this Act are laid by the Board in lands of his and in any cases in which access to farms buildings or lands shall be interrupted by any of the works of the Board the Board shall provide a reasonably convenient substituted access to the satisfaction of the Earl of Derby:

(16) The Earl of Derby at the request and cost of the Board shall for a nominal consideration grant by

deed to them and their successors all subterranean springs of water under his lands in the township and parish of Bickerstaffe within a radius of a mile from the Bickerstaffe Pumping Station with a right to obtain collect and appropriate such waters for the purposes of the undertaking of the Board by means of works to be constructed at the Bickerstaffe Pumping Station and by driving therefrom adits and tunnels under the said lands but so as not to damage or dislocate the surface thereof:

(17) The Earl of Derby by such grant shall enter into a covenant not to grant to any person corporation public authority or company other than tenants upon his estates for mining purposes the right to obtain water for the purpose of trade or manufacture or of a waterworks undertaking in the township and parish of Bickerstaffe The Board in such grant which shall be in duplicate shall acknowledge the free and unrestricted rights of the Earl of Derby to deal with his waters outside or beyond the township and parish of Bickerstaffe and shall covenant at no time to seek to restrain limit or interfere with such rights by virtue of parliamentary powers or otherwise:

(18) The provisions of this section shall be in full compensation and satisfaction for all water taken by the Board from the estates of the Earl of Derby under the provisions of this Act:

(19) Nothing in this Act contained shall so far as regards lands taken from the estates of the Earl of Derby relieve the Board from the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands acquired by promoters of the undertaking under the provisions of the special Act but which shall not be required for the purposes thereof save that on any sale the Board may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or

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deposit of manure sewage or other impure matter and otherwise for guarding against fouling the water of the Board as they may think fit:

(20) In the event of the Board abandoning the Bickerstaffe Pumping Station and of the lands and easements taken pursuant to the provisions of this Act becoming superfluous any rights granted to the Board by virtue of subsection (16) of this section shall absolutely cease and determine:

(21) In case any difference arises between the Board and the Earl of Derby under this section or respecting the execution of any of the works by the Board under the provisions of this Act on lands belonging to the Earl of Derby the same shall be referred to and determined by an engineer to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers.

For protection of rural council.

19. The following provisions shall unless otherwise agreed in writing between the rural council and the Board apply and have effect for the benefit and protection of the rural council:—

(1) Section 61 (Confirmation of agreement between corporation and rural council) of the Act of 1901 and the agreement by that section confirmed shall be construed and have effect as if the township and parish of Bickerstaffe (in this section referred to as "the said township") had been comprised within the water limits of the Board as defined by the said Act:

(2) Upon and after the commencement of the supply of water from the Bickerstaffe Pumping Station by this Act authorised the Board when so required by the rural council shall at their own cost lay the mains shown in green on the plan signed by Alleyne Brown on behalf of the Board and Alfred Dickinson on behalf of the rural council and shall thereafter continuously supply water through such mains:

(3) If and when the Ormskirk Urban District Council decline to continue the supply of water for use in any part of the said township which is now or can be supplied with water from that council under arrangements for the supply of water by them existing at the passing of this Act the Board upon being required

so to do by the rural council shall at their own cost lay any mains necessary for the adequate supply of water by the Board in any such part of the said township as aforesaid and shall thereafter continuously supply water through such mains:

(4) In executing the work and exercising the powers by this Act authorised so far as they affect the highways roads bridges and culverts within the jurisdiction and under the control of the rural council the following provisions shall have effect unless otherwise agreed on in writing between the rural council and the Board (that is to say):—

(*a*) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any road and all such works shall be proceeded with and completed with all possible dispatch;

(*b*) The Board shall reinstate and make good the highways broken up or opened for the purpose of laying down the line or lines of pipes No. 1 by this Act authorised to the satisfaction of the surveyor of the rural council and shall after replacing and making good the said highways which shall have been so broken up or opened keep the portion thereof so broken up or opened in good repair for the space of two years thereafter;

(*c*) The Board shall pay to the rural council for and in respect of any damage which may be caused during the progress of the works by this Act authorised to such parts of the highways and roads of the rural council as may not actually be broken up such an amount of compensation as may be agreed upon between the Board and the rural council or as in case of difference shall be payable by the Board under the provisions of the Highways and Locomotives Act 1878 and the Locomotives Act 1898:

(5) All matters in difference arising under this section shall be determined by an arbitrator mutually agreed upon in writing by the parties in difference or failing agreement to be appointed upon the application of either of the parties by the Local Government Board.

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For protection of urban district council of Skelmersdale.

20. For the protection of the urban council of the urban district of Skelmersdale (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the council and the Board obtain and have effect (that is to say):—

(1) If and so long as there shall be at any time any deficiency or diminution in the supply of water in or obtainable from the well belonging to the council at Scarth Hill (in this section called "the Scarth Hill Well") and such deficiency or diminution shall be shown to be caused by the pumping by the Board at any time from the pumping station and well called the Bickerstaffe Pumping Station authorised by the section of this Act the marginal note whereof is "Power to make waterworks" the Board shall with all reasonable speed after receiving a request in writing so to do from the council supply in manner hereinafter mentioned such quantity of water as shall be necessary to make good such deficiency or diminution:

(2) The Board shall supply free of cost any such water to be so supplied as aforesaid except only that the Board shall be entitled to charge and the council shall pay therefor per thousand gallons the average cost to the council per thousand gallons of raising water from the Scarth Hill Well into the Water Tower tank of the council thereat (including the costs of ordinary repairs and ordinary maintenance but excluding all payments for sinking fund or interest or otherwise in respect of capital expenditure and for establishment charges) during the period of twelve months preceding the date when such deficiency or diminution shall have first occurred:

(3) Such supply of water shall be delivered by the Board at or near the boundary of the Board's limits of supply at a point in the road known as St. Helens Road where the said limits are coterminous with the boundary of the parish and urban district of Ormskirk The water to be so supplied shall be delivered at such a pressure at that point as will enable the supply to be given into the Water Tower tank of the council at Scarth Hill and the cost of providing and laying all necessary pipes and other works to connect the said

tank with the pipes to be laid by the Board up to the aforesaid point including all sums from time to time paid to the owners lessees and occupiers of the intervening land by way of purchase money or rent for wayleaves or easements or for compensation and all costs charges and expenses in connection therewith and the cost of maintaining such pipes works and connections shall from time to time be paid by the Board to the council upon demand:

(4) If the council are under their existing powers unable to effect the connection between the said tank and the aforesaid point then the Board shall in lieu of giving the supply of water as provided in the preceding subsection make full compensation in money to the council for the damage sustained by them to the Scarth Hill Well and such compensation shall unless otherwise agreed be determined by arbitration as in this section provided:

(5) Any dispute or difference which may from time to time arise between the Board and the council under the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protection of Lancashire and Yorkshire Railway Company.

21. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall have effect unless otherwise agreed between the Board and the company (that is to say):—

(1) Notwithstanding anything shown on the deposited plans or sections or contained in this Act the line or lines of pipes (No. 1) by this Act authorised shall be laid within the limits of the road over the existing bridge carrying the said road over the railway of the company under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans and sections to be submitted to and reasonably approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Board and so as not to cause any injury to such

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bridge or any interruption to the passage or conduct of the traffic over such railway Provided that the engineer of the company shall approve or disapprove such plans and sections within one month from the submission thereof otherwise such plans and sections shall be deemed to have been approved by him:

(2) The Board shall bear and on demand pay to the company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways during the execution of the said works and for preventing as far as may be all interference obstruction danger or accident that may arise from any act or default of the Board or any contractor employed by them or any person in the employ of them or him but the employment of such inspectors and watchmen shall not in any way relieve the Board from their liability under this Act:

(3) Before commencing to construct or lay the said line of pipes where it crosses the said bridge the Board shall give to the principal engineer of the company fourteen days' notice in writing of their intention to carry out such work:

(4) Notwithstanding anything in this Act the Board shall be responsible for and make good to the company all costs losses damages or expenses which may be occasioned to them or to their railway works or property or to the traffic thereon by reason of the execution or failure of the said line or lines of pipes (No. 1) or by any act or omission of the Board or any of the persons in their employment or their contractors agents or others and the Board shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission unless such costs losses damages or expenses claims or demands be caused or occasioned by circumstances beyond the control of the Board:

(5) Notwithstanding anything shown on the deposited plans or contained in this Act the Board shall not acquire any land or property of the company:

(6) Any difference which may arise between the Board and the company with respect to any matter in this section contained shall unless otherwise agreed be determined by an engineer to be appointed as arbitrator on the application of either party by the President of the Institution of Civil Engineers.

New waterworks to be part of undertaking.

22. The waterworks by this Act authorised to be constructed shall form part of the undertaking and the Board may use the water collected diverted and impounded by means of the same for the purpose of supplying water under the Act of 1901 and this Act.

Applying sections of Act of 1901 as to lands and works.

23. The following sections of the Act of 1901 (that is to say):—

Section 36 (Power to make subsidiary works);

Section 39 (Persons under disability may grant easements &c.); and

Section 40 (Reservation of water rights &c. on sale);

shall apply mutatis mutandis to and in relation to the works by this Act authorised and to the lands authorised to be acquired under the powers of this Act.

Part IV.

Supply.

Water supply to large institutions.

24. The Board shall not be bound to supply water otherwise than by meter to any workhouse hospital barrack convalescent home orphanage or institution of a similar character or large building occupied by persons living in community for religious purposes except upon such terms as may be from time to time agreed between the Board and the guardians trustees managers or other persons having the charge of such workhouse hospital barrack convalescent home orphanage or building or as in case of difference may be from time to time determined by an arbitrator to be appointed on the application of either of the parties by the judge of the county court in whose district such workhouse hospital barrack convalescent home orphanage or building is situate.

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Where part only of premises supplied whole to pay.

25. The Board shall not be compelled to supply water to the occupier of a dwelling-house or for any premises occupied by him with a dwelling-house unless the water rent or rate is paid for the whole of such dwelling-house and premises Provided that the provisions of this section shall not apply to any holding which is either wholly agricultural or wholly pastoral or in part agricultural and as to the residue pastoral or in whole or in part cultivated as a market garden.

Detection of waste &c.

26. Subject to the provisions of sections 28 and 30 to 34 of the Waterworks Clauses Act 1847 the Board may for the purpose of preventing and detecting waste misuse or undue consumption of water affix and maintain meters and similar apparatus on and stop-cocks in the communication pipes supplying houses with water and may insert in the roads or footways at or below the ground level thereof the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footpaths thoroughfares and water pipes.

Rates for portion of a quarter.

27. Notwithstanding anything contained in this Act or in the Act of 1901 or in the Acts incorporated therewith the Board shall accept from the occupier of any dwelling-house or part of a dwelling-house liable for the payment of any water rate who shall give notice of his intention to discontinue the use of the water supplied by the Board or who shall remove from his dwelling between any two quarterly days of payment a proportionate part of the quarter's water rate due at the date of such tenant quitting such house or giving such notice.

Board may allow discounts to owners of groups of houses paying rates in advance.

28. If the owners of groups of dwelling-houses being not less than two in number the gross estimated rental of which dwelling-houses respectively shall not exceed fifteen pounds or which dwelling-houses or any part or parts thereof are let on weekly or monthly tenancies or for any term less than one year shall agree in writing to pay to the Board quarterly in advance the water rents in respect of such dwelling-houses whether the same shall be occupied or unoccupied for a term of not less than one year and shall pay such water rents quarterly in advance when and as such rents and the instalments thereof become due the Board shall be entitled to allow such owners at each time of payment a discount or drawback of not more than one-eighth part of every sum so paid in advance.

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Amending section 45 of Act of 1901

29. Section 45 of the Act of 1901 shall be read and have effect as if the words "or to tenants paying rent by means of "weekly monthly or less than quarterly payments no matter "for what period the house may be let" were inserted after the word "year" in that section.

Water not to be cut off where water rate is payable by owner.

30. Where the owner and not the occupier is liable under the provisions of the Waterworks Clauses Act 1847 the Act of 1901 or this Act or by agreement with the Board to the payment of the water rate in respect of any dwelling-house or part of a dwelling-house occupied as a separate tenement the Board shall not be entitled to cut off the water supply for non-payment of the water rate but such water rate without prejudice to the other remedies of the Board for enforcing payment thereof from such owner shall together with interest thereon at the rate of five pounds per centum per annum computed from the expiration of one month from the time when the same has been claimed by the Board until receipt thereof by the Board be a charge on such dwelling-house and (without prejudice to such charge) the amount may be recovered with the costs incurred from the owner.

Part V.

Finance.

Power to borrow.

31.—(1) The Board may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under any public general Act borrow at interest for the purposes undermentioned the following sums (that is to say):—

(*a*) For the purchase of land and for the execution of the works by this Act authorised the sum of one hundred and six thousand four hundred pounds:

(*b*) For new mains extensions of mains service pipes and meters the sum of sixty thousand pounds:

(*c*) For additions to the existing Springfield Pumping Station four thousand pounds:

(*d*) For the purchase of pipes and other apparatus belonging to the Earl of Derby in the parish of Bickerstaffe the sum requisite for that purpose:

(*e*) To pay the taxed costs of this Act the sum necessary for that purpose.

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(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenue of the undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the districts of the constituent authorities under the powers of the Act of 1901 and this Act.

(3) Moneys borrowed under this section shall be repaid within the following respective periods from the date of borrowing (that is to say):—

Money borrowed for purposes (*a*) and (*c*) within sixty years from the time or times of the borrowing;

Money borrowed for purposes (*b*) and (*d*) within thirty years from the time or times of the borrowing; and

Money borrowed for purpose (*e*) within five years from the passing of this Act.

The above-mentioned respective periods are hereinafter referred to as "the prescribed periods" and such repayment shall be made either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall not as regards moneys borrowed for the purposes (*a*) be required to be made until the expiration of five years from the passing of this Act.

Postponement of repayment of moneys borrowed under Act of 1901.

32. Section 65 (Periods for discharge of loans) and section 78 (Provisions as to debenture stock of company) of the Act of 1901 shall be amended and it is hereby provided—

(*a*) That the period within which repayment shall be made of moneys borrowed for the purposes (1) mentioned in subsection (1) of section 62 (Power to borrow) of the said Act shall be sixty years from the thirty-first day of March one thousand nine hundred and two being the day appointed for the transfer by that Act; and

(*b*) That the period within which provision shall be made by a sinking fund for the reduction of the debenture stock of the company shall be fifty-five years from the expiration of the period of five years mentioned in the said section 78.

The respective periods determined as aforesaid shall in relation to the moneys or stock in respect of which the periods are so determined be the prescribed period for the purposes of the said Act.

Financial and other provisions of Act of 1901 to apply.

33. The undermentioned sections of the Act of 1901 (that is to say):—

Section 63 (Mode of raising money);

Section 64 (Provisions of Public Health Act as to mortgages to apply);

Section 67 (Sinking fund);

Section 68 (Protection of lender from inquiry);

Section 69 (Board not to regard trusts);

Section 70 (Appointment of receiver);

Section 71 (Power to reborrow);

Section 72 (Annual return to Local Government Board);

Section 73 (Application of money borrowed);

Section 74 (Application of moneys arising from sale &c. of land);

Section 75 (Board may issue stock);

Section 79 (Judges not disqualified);

Section 80 (Several sums in one summons);

Section 81 (Authentication and service of notices);

Section 82 (Recovery of penalties); and

Section 84 (Inquiries by Local Government Board);

shall apply and have effect mutatis mutandis to and in relation to the borrowing and other powers by this Act authorised.

Part VI.

Miscellaneous.

Power to alter constitution of Board.

34. If at any time after the thirty-first day of May one thousand nine hundred and five any part of the rural district of West Lancashire becomes an urban district then and in every such case the council of such urban district shall from and after the thirtieth day of September one thousand nine hundred and fifteen or the date when such part of the rural district of West

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Lancashire shall become an urban district as aforesaid whichever shall be the later date become a constituent and contributing authority of the Board and the Local Government Board shall by order published as the Local Government Board may direct upon the application of the Board make such provision as to them seems fit for amending the provisions of the Act of 1901 respecting the constitution of the Board and respecting contributions by constituent authorities including the council of such urban district and other matters consequent on the alteration so made and on the incidents thereof and every such order shall have effect as if the terms thereof were enacted in that Act Provided that the representation of the borough for the time being of Southport on the Board shall at all times exceed by not more than one member the combined representation of the other constituent authorities unless and until the combined rateable value of the other contributing authorities shall equal or exceed that of the said borough and the Local Government Board may subject as aforesaid as to the representation of the borough of Southport on the application of any of the constituent authorities by like order from time to time if they think fit having regard to any alteration in the rateable value of the districts of the several constituent authorities or to other considerations increase or reduce the number of representatives of any constituent authority and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum.

Saving agreement with rural council.

35. The provisions of the agreement with the rural council scheduled to the Act of 1901 shall enure and be for the benefit of any urban district referred to in the section of this Act the marginal note of which is "Power to alter constitution of Board" up to the thirtieth day of September one thousand nine hundred and fifteen and no longer.

No person to be member of Board on behalf of more than one constituent authority.

36. No person being a member of the Board by election from any one of the constituent authorities shall so long as he continues a member by virtue of such election be qualified to be also a member of the Board by election from any other of the constituent authorities and any such subsequent election shall be void and if the same person shall be elected a member of the Board by more than one of the constituent authorities at the same election he shall choose under which election to serve and the other election shall be deemed void and an occasional

vacancy within the meaning of section 11 of the Act of 1901 shall be deemed to have happened.

Power to grant gratuities in certain cases.

37.—(1) The Board may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Costs of Act.

38. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board in the first instance out of the revenue of the undertaking but ultimately out of moneys borrowed under the powers of this Act.

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