CHAPTER xxxiv.

An Act to provide for a constant supply of Water within the Town and Borough of Stamford; and for other purposes. A.D. 1877.

[11th June 1877.]

WHEREAS by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act for better supplying with water the town and borough of Stamford and places adjacent thereto in the counties of Northampton and Lincoln," (herein-after referred to as "the Act of 1837,") the Most Honourable Brownlow then Marquis of Exeter, his heirs and assigns, was and were empowered from time to time to search for, collect, divert, and raise all or any of the springs of water arising within certain estates of the said Marquis within the extra-parochial place called Wothorpe, or the parish of Saint Martin, Stamford Baron, in the county of Northampton, into any reservoir or reservoirs already or thereafter to be made for that purpose, and convey and distribute water from the said several places in pipes to, in, and through the town and borough of Stamford, and further powers for or connected with supply of water within the said town and borough were conferred upon the said Marquis, his heirs and assigns: 7 W. 4. & 1 Vict. c. xx.

And whereas the said Marquis accordingly, at his own expense, provided a supply of water within the said town and borough, and such supply has been continued since the death of the said Marquis by his heir, the Most Honourable William Alleyne Marquis of Exeter (who is herein-after referred to as "the proprietor of the waterworks" or "the said proprietor," which expressions respectively in this Act include also his heirs and assigns):

And whereas it is expedient that the proprietor of the waterworks be authorised to supply or to continue to supply water from springs on lands belonging to the said proprietor and immediately adjoining the extra-parochial place of Wothorpe aforesaid, and from any

A.D. 1877.

other springs belonging to him in or near the said town and borough:

And whereas it would be for the benefit of the inhabitants of the said town and borough that the proprietor of the waterworks should provide and keep a constant supply of water sufficient for the domestic purposes of the inhabitants within the said town and borough, and for sanitary purposes, as by this Act defined, constantly laid on under pressure as herein-after provided, and the said proprietor is willing to provide such constant supply if provision be made for preventing the waste, misuse, undue consumption, or contamination of the water so supplied, and it is expedient that provision for that purpose, and such further provision as in this Act is contained with reference to the supply of water by the said proprietor, be made:

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

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

Short titles of this Act and of Act of 1837.

1. This Act may be cited for all purposes as "The Stamford Water Act, 1877," and the Act of 1837 may be cited for all purposes as "The Stamford Water Act, 1837."

Interpretation of terms.

2. In this Act the following terms and expressions have the meanings herein-after assigned to them, unless there be something in the subject-matter or context inconsistent with or repugnant to such construction; that is to say,

The expression "water limits" means the limits within which, by the Act of 1837 and by this Act, the proprietor of the waterworks is authorised to supply water:

The expression "sanitary purposes" means and includes the purposes of flushing sewers, extinguishing fires, and watering streets within the water limits, and other like sanitary purposes:

The expression "urban sanitary authority" means the sanitary authority for the borough of Stamford:

The term "premises" means and includes any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together or in connexion with any dwelling-house or any part of a dwelling-house:

The term "prescribed" means prescribed by any regulations to be made under the authority of this Act:

The term "court of summary jurisdiction" means and includes any justice or justices of the peace to whom jurisdiction is given by the Act of the 11th and 12th years of the reign of Her present Majesty, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same:

The term "fittings" includes communication pipes, and also all pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles used or intended for or in connexion with the supply of water by the proprietor of the waterworks to a consumer, or for conveying, delivering, receiving, storing, or using such water, and for any such purpose placed in or about the premises of a consumer:

The term "owner" has the meaning attached to that term by "The Metropolis Water Act, 1871."

Act of 1837 and this Act to form one Act.

3. The Act of 1837, as amended by this Act, and this Act shall be read together as and shall form one Act.

Sources of supply.

4. Notwithstanding anything contained in the Act of 1837, the proprietor of the waterworks may supply water for the purposes of that Act and of this Act from any springs from which supply is now derived or in part derived, or from any other springs from which pure and wholesome water fit for domestic purposes may be obtained on any lands for the time being belonging to or forming part of the settled estates of the said proprietor; and any water so supplied or to be supplied, and any works executed or to be executed for the purposes of such supply, shall be deemed for all purposes to be or to have been supplied and to be or to have been executed under the powers and in accordance with the provisions of the Act of 1837.

Constant supply.

5. Subject to the provisions of this Act, the proprietor of the waterworks may, and from and after the expiration of twelve months from the passing of this Act shall, provide and keep throughout the water limits a constant supply of pure and wholesome water sufficient for the domestic purposes of the inhabitants and for sanitary purposes within those limits, constantly laid on at such pressure as will make such water reach the top story of the highest houses within the said town and borough: Provided always, that nothing in this Act shall oblige the said proprietor to afford at any time a supply of water to any premises at any higher level than that to which water will rise by gravitation from any reservoir at the passing of this Act belonging to the said proprietor; the supply of water provided for by this section is herein-after referred to as a constant

A.D. 1877.

supply: Provided also, that nothing in this Act shall oblige the said proprietor to lay down pipes or to cause water to be brought to any part of or place within the water limits where his pipes are not now laid, unless he shall be required thereunto by so many owners or occupiers of houses in that part or place as that the aggregate amount of water rate or rent payable by them annually at the rate specified in the Act of 1837 shall be not less than one-tenth part of the expense of providing and laying down such pipes; and provided further, that no such requisition shall be binding on the said proprietor unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for three successive years at the least: Provided also, that nothing in this Act shall oblige or authorise the said proprietor to afford at any time a supply of water for other than domestic purposes, so as in any way to interfere with or unduly diminish the supply for domestic purposes.

Domestic supply to include one watercloset.

6. Notwithstanding anything contained in the Act of 1837, the supply of water for domestic purposes shall include one watercloset to each house, and no extra charge shall be made in respect of such watercloset.

Supply in courts, passages, &c.

7. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following provisions shall have effect; that is to say,

(1.) If at any time it appears to the proprietor of the water-works and the urban sanitary authority, or in case of difference between them, to the Local Government Board, that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses except by means of a stand pipe or other apparatus placed outside the dwelling-houses, the said proprietor may from time to time supply such group or number of dwelling-houses by means of a stand pipe or other apparatus as aforesaid:

(2.) The expense of providing such stand pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as in case of difference between the said proprietor and such owners, or any of them, shall be determined by the court of summary jurisdiction:

(3.) If the requisite stand pipe or other apparatus is provided, and is in accordance with the regulations of the said proprietor, then the said proprietor shall give to those

dwelling-houses a supply accordingly by means of the stand pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises, but not exceeding for each such dwelling-house of the annual rackrental value of seven pounds or less twopence per week, or such other sum as the Local Government Board, upon the application either of the said proprietor or of the urban sanitary authority, shall deem reasonable.

Houses to be inspected by surveyor of urban sanitary authority on notice from proprietor of waterworks.

8. The urban sanitary authority shall from time to time, upon notice in writing being given to them by or on behalf of the proprietor of the waterworks that any house or houses within their district and specified in such notice is or are without a proper supply of water, direct their surveyor to inspect such house or houses, and thereupon such surveyor shall forthwith inspect such house or houses, and in the case of each house report to the urban sanitary authority whether the house has or is without a proper supply of water, and in the latter case whether or not a supply of water can be furnished to the house at a cost not exceeding the water rate authorised by the Act of 1837 or by this Act.

Terms of supply for sanitary purposes.

9. The price to be paid by the urban sanitary authority to the proprietor of the waterworks for water supplied for sanitary purposes under this Act shall be at the rate of eightpence per one thousand gallons; such supply (subject to the provisions in this Act) shall at convenient places within the water limits be at all times hereafter in sufficient quantity provided by the said proprietor, and be taken by meter, and the meters for the purpose shall be supplied by the said proprietor and paid for by the urban sanitary authority upon such terms and conditions as may from time to time be agreed upon between them, or, in case of difference as to such terms and conditions, or as to the places where water for sanitary purposes is to be taken by such authority in manner aforesaid, shall be determined by an impartial water engineer to be appointed as arbitrator from time to time, on the application of either party, by the Local Government Board, and the decision of the arbitrator shall be binding on and be observed by the urban sanitary authority and the said proprietor, and the costs of the arbitration shall be in the discretion of the arbitrator.

Provision for case of frost, &c.

10. Notwithstanding anything in this Act or in the Act of 1837, the proprietor of the waterworks shall not be subject to any liability for not giving a constant supply, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

A.D. 1877.

Regulations for preventing waste, &c. of water.

11. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water supplied by him, the proprietor of the waterworks may from time to time make such reasonable regulations in writing under his hand as he may think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the fittings to be used by such persons respectively, and may thereby interdict any arrangement and the use of any fittings which in his judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination.

Alterations of regulations.

12. The proprietor of the waterworks may, if he thinks fit, or if requested to do so by the Local Government Board, repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

In case of refusal by proprietor to alter regulations, Local Government Board may do so.

13. In case the proprietor of the waterworks on being requested in writing by the urban sanitary authority to repeal or alter any of the regulations for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Local Government Board may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such regulations or of making new regulations in conformity with such request as aforesaid, and on the report of such person the Board may make such regulations, repeal, or alterations as they think fit.

Notice of regulations to be delivered to urban sanitary authority.

14. Within seven days after the making of any regulation, or of any repeal of or alteration in any regulation, notice of the same shall be served upon the urban sanitary authority by the proprietor of the waterworks.

Confirmation of regulations.

15. No regulation and no repeal or alteration of any regulation made under the authority of this Act shall be of any force or effect unless and until the same be submitted to and confirmed by the Local Government Board; and no such regulation, repeal, or alteration shall be confirmed until after the expiration of ten days after notice in writing of the intention to submit the same shall, with a copy of the proposed regulation or particulars of the proposed repeal or alteration, have been given by or on behalf of the proprietor of the waterworks to the urban sanitary authority, who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

A.D. 1877.

Publication of regulations.

16. All regulations in force for the time being shall be published by a copy thereof being kept at the office of the sanitary authority, and another copy thereof being kept at the office of the proprietor of the waterworks within the water limits. All persons may at all reasonable times inspect either of such copies without payment, and the said proprietor shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same, on payment of any sum not exceeding one shilling for every such copy.

Regulations to be binding upon all parties.

17. All regulations and every repeal of or alteration in any regulation made shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and the proprietor of the waterworks shall not be bound under this Act, or under any agreement, to supply or continue to supply water to any premises, unless such regulations as are for the time being in force are duly observed in respect of those premises.

Evidence of regulations.

18. A printed copy of any such regulations as aforesaid, dated and purporting to be made as aforesaid and to have been confirmed by the Local Government Board, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of the fact of such making, confirmation, or publication of such regulations, or of any of the requirements of this Act relative thereto having been complied with.

Penalties for offences against regulations.

19. By any regulations made under the authority of this Act penalties may be imposed for offences against the same, not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being inflicted, and any such penalty may be recovered by the proprietor of the waterworks before the court of summary jurisdiction.

Proprietor of waterworks may issue notice upon owners and occupiers to provide prescribed fittings.

20. The proprietor of the waterworks may, at any time after the expiration of one month after the publication of any regulations under this Act in manner by this Act directed, cause to be served on the owner or occupier of any premises within the water limits, and to which premises water is then or about to be supplied by the said proprietor at the request or with the consent of such owner or occupier, or under the 62nd section of "The Public Health Act, 1875," a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

A.D. 1877.

Owner or occupier to provide prescribed fittings.

21. Every such owner or occupier of premises upon whom notice to that effect has been served, as in the last preceding section mentioned, shall within two months after the date of the service of such notice provide the prescribed fittings, and shall from time to time keep the same in proper repair.

In case of default by owner or occupier, proprietor of waterworks may provide or repair fittings.

22. If any such owner or occupier of premises upon whom notice to provide the prescribed fittings has been so served as aforesaid makes default in providing the prescribed fittings, the proprietor of the waterworks, if he thinks fit, may provide such fittings, or where the fittings of any person are out of order or not as prescribed, the said proprietor may by notice in writing require such person within twenty-four hours after the date of the service of such notice to cause the same to be repaired, so as to prevent any waste of water, and if any person fail to comply with the terms of such notice the said proprietor (if he thinks fit) may repair the fittings of such person.

The expenses incurred by the said proprietor in providing such fittings or in making such repairs shall be paid to him by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered with costs from the owner, and to the extent of any rent due by the occupier of the premises from such occupier, before the court of summary jurisdiction or by action as if the same were an ordinary simple contract debt, and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount of such expenses and costs.

Provided that, as between any such owner and occupier, nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to enter premises for inspection and repair of fittings.

23. The officers, agents, or servants of the proprietor of the waterworks may at all reasonable times enter any premises within the water limits in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings, and if any person hinder any such officer, agent, or servant

from entering and making such inspection or examination or providing or repairing such fittings, every person so offending shall for every such offence forfeit and pay to the proprietor of the waterworks a sum not exceeding five pounds, which penalty may be recovered by the said proprietor before the court of summary jurisdiction.

Settlement of disputes as to sufficiency, &c. of fittings.

24. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decision of such court shall be final and binding on all parties.

Penalties for non-compliance with the provisions of Act.

25. If any person to whom a constant supply is given under this Act wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water supplied to him is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the proprietor of the waterworks, he shall for every such offence be liable to a penalty not exceeding five pounds; or if any person supplied with water by the said proprietor wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of the Act of 1837 or this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the said proprietor, the said proprietor may (without prejudice to any remedy against such person in respect thereof) cut off any of the pipes by or through which water is supplied by the said proprietor to such person or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and in every case of so cutting off or ceasing to supply, the said proprietor shall within twenty-four hours thereafter give notice thereof to the sanitary authority.

Supply for other than domestic purposes.

26. Notwithstanding anything contained in the Act of 1837, the proprietor of the waterworks may for the purposes of supply other than domestic supply, require the supply to be taken by meter, and may provide or let on hire water meters for such consideration and upon such terms as he thinks fit.

For protection of water meters, &c.

27. No water meter, nor any index thereto, whether belonging to the proprietor of the waterworks or otherwise, shall at any time be altered or repaired, connected or disconnected, nor shall any pipe, fitting, or apparatus of any description be attached or affixed

A.D. 1877.

to or connected with any such meter, or to or with any pipe, fitting, or apparatus communicating either directly or indirectly with such meter, nor shall any pipe, fitting, or apparatus (whether belonging to the said proprietor or otherwise) so attached or affixed to or connected with such meter be subsequently altered or repaired or disconnected, except under the direction or with the consent in every case of the said proprietor. The owner or occupier of the building or premises in which such meter, pipe, fitting, or apparatus shall be placed, and every other person, offending against this enactment, shall forfeit and pay to the said proprietor a sum not exceeding five pounds for the first offence, and a further sum not exceeding ten pounds for the second offence, and a further sum not exceeding fifty pounds for every subsequent offence, and such sums may be recovered by the said proprietor before the court of summary jurisdiction.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.