CHAPTER xcix.

An Act for conferring further Powers upon the Corporation of Wakefield in relation to their Waterworks Undertaking and for other purposes. [20th July 1894.]

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WHEREAS the city of Wakefield in the west riding of the county of York is a municipal borough under the government of the mayor aldermen and citizens of the city (in this Act called the Corporation):

And whereas the following local Acts and public Acts of a local character relate to the Corporation (that is to say):—

The Public Health Supplemental Act 1853 (No. 1);
The Wakefield Waterworks Act 1862;
The Wakefield Waterworks Act 1873;
The Wakefield Waterworks Act 1874;
The Wakefield Waterworks Act 1876;
The Wakefield Improvement Act 1877;
The Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878;
The Wakefield Corporation Waterworks Act 1880;
The Wakefield Corporation Act 1887;
The Wakefield Corporation Act 1889:

And each of those Acts is in this Act referred to as the Act of the year in which it was passed and the several Acts are collectively referred to as the recited Acts:

And whereas the Corporation are the owners of the waterworks which supply the city and portions of the neighbourhood with water:

And whereas the Corporation have not served any notice to treat for land for or exercised any of their powers in respect of the Lindle Hill reservoir authorised by the Act of 1880 and it is expedient to empower them to construct the service reservoir in this Act described in substitution for the said Lindle Hill reservoir and

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also to construct the additional filter beds and other waterworks in this Act described:

And whereas it is expedient that the Corporation should be empowered to borrow further sums of money for the purposes of their water undertaking:

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

And whereas estimates have been prepared by the Corporation for the purchase of the land and the execution of the works by this Act authorised and for the completion extension and improvement of their waterworks and such estimates amount to the sum of seventy thousand pounds:

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

And whereas plans and sections describing the lines situations and levels of the waterworks by this Act authorised and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required for the purposes of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the second day of May one thousand eight hundred and ninety-four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Wakefield Free Press a local newspaper published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged upon the revenue of the water undertaking of the Corporation and upon the district fund and the general district rate of the city:

And whereas such resolution was published twice in the said Wakefield Free Press and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the tenth day of May one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

Short title.

1. This Act may be cited as the Wakefield Corporation Water Act 1894.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

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 of that Act with respect to accounts) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 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 from such section;

The Waterworks Clauses Act 1863.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act "the undertakers" or "the company" means the Corporation:

And in this Act—

"The Corporation" means the mayor aldermen and citizens of the city of Wakefield;

"The city" means the city of Wakefield;

"The council" means the council of the city:

And the expression "superior courts" or "court of competent juisdiction" or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or

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demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the council and the provisions of section 6 (Regulation as to committees of council) of the Act of 1880 shall extend and apply to this Act.

Power to make waterworks.

5. Subject to the provisions of this Act the Corporation may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works following (that is to say) :—

(1) Filter beds (to be called Kirkham Filter Beds No. 2) situate in the township of East Ardsley in the field numbered 366 on the $\frac{1}{2500}$ Ordnance map;

(2) A service reservoir (to be called the Lindale Hill reservoir) situate in the township of Alverthorpe-with-Thornes in the field numbered 672 on the $\frac{1}{2500}$ Ordnance map;

(3) A line or lines of pipes (to be called line of pipes No. 1) commencing in the township of East Ardsley by a junction with the existing line of pipes of the Corporation in the road leading from Wakefield to Batley and commencing also in the said field numbered 366 on the said Ordnance map and terminating in the township of Wakefield at the junction of Hatfeild Street and York Street;

(4) A line or lines of pipes (to be called line of pipes No. 2) to be wholly situate in the township of Alverthorpe-with-Thornes commencing by junctions with the said existing line of pipes of the Corporation and the line of pipes No. 1 and terminating in the Lindale Hill reservoir;

(5) A line or lines of pipes (to be called line of pipes No. 3) to be wholly situate in the township of Alverthorpe-with-Thornes commencing in the Lindale Hill reservoir and terminating by junctions with the said existing line of pipes of the Corporation and the line of pipes No. 1:

Together with all necessary or proper embankments dams bywashes culverts tunnels channels cuts shafts bridges communications roads approaches drains outfalls overflows sluices gauges screen chambers filter-beds engines pumps conduits catchwaters weirs tanks pipes junctions valves houses buildings and conveniences connected with or ancillary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing using and managing the same.

The Lindale Hill reservoir by this Act authorised shall for all purposes be in substitution for the Lindle Hill reservoir authorised by the Act of 1880 and the power to construct the last-mentioned reservoir shall cease.

As to supply of water to West Riding Pauper Lunatic Asylum.

6. When and so soon as the Lindale Hill reservoir is constructed and the Corporation shall have commenced to supply water therefrom the Corporation shall from that reservoir give a constant supply of water in bulk at the pressure and upon the terms and conditions contained in an agreement made the 23rd day of February 1880 between the Corporation and William Vibart Dixon clerk to the Committee of visitors of the West Riding Pauper Lunatic Asylum on behalf and with the sanction of that committee and that agreement shall extend and apply mutatis mutandis to the Lindale Hill reservoir and to the supply of water therefrom and to the Corporation and the said committee and the Corporation shall make all such works in connexion with the Lindale Hill reservoir as shall be necessary to insure the supply of water in accordance with the said agreement.

Purchase of land by agreement.

7. The Corporation may by agreement purchase acquire and hold such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act.

As to construction of lines of pipes in highways.

8. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the construction laying down repair alteration removal and renewal of the lines of pipes by this Act authorised to be made and maintained in any street or public highway.

For protection of the rural sanitary authority of the Wakefield Union.

9. By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses Act 1847 with respect to the interference with and restoration and repair of roads or incident thereto the following provisions shall have effect with respect to roads streets sewers drains and water pipes for the time being belonging to or under the control of the rural sanitary authority of the Wakefield Union or any successor of the same authority (herein-after referred to and included in the designation of the rural sanitary authority) within their district and interfered with by the Corporation under the powers of this Act (namely):—

(1.) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road street sewer drain or water pipe except in manner herein-after mentioned:

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(2.) Any works of alteration of such sewers drains or water pipes which may be rendered necessary by the works authorised by this Act shall be executed according to plans and sections to be submitted to and approved by the surveyor of the rural sanitary authority before the commencement of the work Provided that if the said surveyor shall not within fourteen days after the same shall have been submitted express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and such works shall be executed by the workmen of the rural sanitary authority under the superintendence of such surveyor and to his reasonable satisfaction and all costs and expenses reasonably incurred of and incident to such works and superintendence shall be paid by the Corporation to the rural sanitary authority forthwith on the completion of such works:

(3.) A clear and sufficient carriageway and footway shall be kept for the passage of vehicular and foot traffic along every such road or street during any interference therewith by the Corporation for the purposes of this Act and in case of default in compliance with this enactment the rural sanitary authority may by their own servants and workmen clear and keep clear such carriageway and footway and may recover the expenses of and incident thereto from the Corporation:

(4.) No greater length than four hundred yards of any such road or street shall be broken up at any one place at one time without the consent of the rural sanitary authority nor without the like consent shall any works be carried on at the same time within the district of the rural sanitary authority at a less interval than two hundred yards from each other and in case any trench or cutting on any such road or street shall be flooded with water the Corporation shall not cast the same upon any part of such road or street but shall by proper means convey such water away to the nearest convenient sewer drain or channel of sufficient capacity or to such sewer drain channel or place as shall be pointed out by the surveyor of the rural sanitary authority:

(5.) Where by a certificate of the surveyor of the rural sanitary authority it appears to that authority that having regard to the average expense of repairing the highways and bridges maintainable and repairable by them in the neighbourhood of any of the works authorised by this Act extraordinary expenses have been incurred by the rural sanitary authority in repairing any road street or bridge maintainable or repairable

by them by reason of damage caused by excessive weight passing along the same or any extraordinary traffic thereon the said rural sanitary authority may recover in a summary manner from the Corporation the amount of such extraordinary expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by the said rural sanitary authority by reason of the damage arising from such weight or traffic as aforesaid:

(6.) No water main shall be laid down by the Corporation in through or under any such road or street within such a distance as may prevent such authority from having convenient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the rural sanitary authority and laid down in the same road or street:

(7.) If any difference should arise between the Corporation and the rural sanitary authority touching anything to be done or not to be done under this section such difference shall be determined by an engineer to be appointed (unless otherwise agreed on) by the President of the Institution of Civil Engineers on the application of either of the parties and the costs of the reference and award shall be borne as he shall direct.

For protection of the Great Northern Railway Company.

10. (1) Any mains or pipes to be laid down by the Corporation in the exercise of the powers conferred by this Act on or in any way affecting any railway belonging to the Great Northern Railway Company or any of the bridges or works thereof shall be laid down under the superintendence if the same be given and to the reasonable satisfaction of the engineer of that Company and according to plans to be reasonably approved by him but in all things at the expense of the Corporation and so as to cause no injury to any such railway bridges or works or interruption to the passage or conduct of traffic over any such railways and if in consequence of the laying of such mains or pipes any injury be caused to any such railways bridges works lands or property or any interruption be caused to such traffic the Corporation shall make full compensation to that Company in respect of such injury or interruption.

(2) If any difference arises between the Corporation and the Great Northern Railway Company as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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Power to deviate.

11. Subject to the provisions of this Act in constructing the works by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where the line of any work is shown on those plans as passing along any road and no limits of deviation are marked thereon the Corporation in making such work may deviate from the lines thereof to any extent within the boundaries of such road and the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards but not so as to raise any line of pipes above the surface of the ground except in the lands numbered on the deposited plans 1 in the parish of Wakefield.

Time for completion of works.

12. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to hold lands needful to prevent fouling and to protect waterworks.

14. The Corporation may hold any lands acquired by them under this Act which they may deem necessary for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Proceeds of sale of surplus land to be treated as capital.

15. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation for waterworks purposes but shall not be applied to the payment of instalments or

to payments into the sinking fund or loans fund except to such extent and upon such terms as may be approved by the Local Government Board Any moneys discharged out of the proceeds of any such sale shall not be reborrowed.

Restriction on taking houses of labouring class.

16. The Corporation shall not under the powers of this Act take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

New works to form part of water undertaking.

17. The works authorised by this Act shall be comprised in the water undertaking of the Corporation.

Power to borrow.

18. The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money not exceeding in the whole the sum of seventy thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for the execution of the works authorised by this Act and the completion extension and improvement of their waterworks and for that purpose may mortgage or charge the district fund and general district rate and the revenue of their water undertaking or either of those securities.

Periods for payment off of money borrowed.

19. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say):—

As to moneys borrowed for the payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act within ten years from the date of borrowing of the same;

As to moneys borrowed for waterworks purposes within the limit of seventy thousand pounds within fifty years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

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Inquiries by Local Government Board.

20.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Application of provisions of Act of 1889.

21. The following sections of the Act of 1889 shall apply in respect of the moneys by this Act authorised to be borrowed as if they were re-enacted in this Act (namely):—

Section 22 (Mode of raising moneys):

Section 23 (Certain regulations of Public Health Act as to borrowing not to apply):

Section 24 (Provisions of Public Health Act as to mortgages to apply):

Section 26 (Mode of payment off of money borrowed):

Section 27 (Power to reborrow):

Section 28 (Protection of lender from inquiry):

Section 29 (Application of money borrowed):

Section 30 (Annual return to Local Government Board with respect to sinking fund):

Provided that the last-mentioned section shall be read as if the words "the provisions of this section shall mutatis mutandis apply" to appropriations and annual repayments" had been added thereto.

Expenses of Act.

22. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.

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