

**CHAPTER ccl.**

An Act to constitute a Joint Board representative of the corporation of Ilkeston and the Heanor Urban District Council with power to acquire the undertaking of the Meerbrook Sough Company and to construct works for intercepting and distributing the waters of the Meerbrook Sough and for other purposes.

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[17th August 1901.]

**W**HEREAS in pursuance of powers conferred upon them by the Public Health Acts the mayor aldermen and burgesses of the borough of Ilkeston (in this Act called "the corporation") and the urban district council of Heanor (in this Act called "the district council") have respectively constructed waterworks for supplying and are supplying water within the borough of Ilkeston and the urban district of Heanor both in the county of Derby and further powers in regard to the supply of water were conferred upon the corporation by the Ilkeston Corporation Act 1898:

61 & 62 Vict.  
c. lxx.

And whereas the supply of water from the existing waterworks of the corporation and the district council respectively is inadequate to meet the growing demands of the inhabitants within their respective limits of supply:

And whereas by an Act passed in the fourth and fifth years of the reign of Her late Majesty Queen Victoria intituled "An Act to incorporate the proprietors of the Meerbrook Sough and to enable them to levy and raise certain royalties dues and tolls for the continuation and maintenance thereof" after reciting the construction of a certain sough level or water-gate called the Meerbrook Sough with a view to relieving some of the mines veins and rakes of lead ore in the then parish of Wirksworth in the county of Derby from water it was by section 11 enacted that the said sough and the other soughs drains works lands tenements and hereditaments referred to in the section should

4 & 5 Vict.  
c. lxxxviii.

A.D. 1901. be vested in and belong to the company incorporated by the Act by the name and style of the Meerbrook Sough Company and by subsequent provisions of the same Act further rights powers and privileges were conferred upon the said company in regard to the driving and carrying forward and the maintenance of the said sough and to the levying of tolls and duties upon the mines benefited by the sough and for other purposes :

And whereas it is expedient that some of the water in the Meerbrook Sough should be utilised for the supply to the borough of Ilkeston and the urban district of Heanor and that for that purpose a board should be constituted and incorporated as by this Act provided representing the corporation and the district council with power to acquire the undertaking of the Meerbrook Sough Company and all necessary and proper powers in relation to the construction of works for the interception and distribution of the said water and that the further powers contained in this Act should be conferred upon the Board :

And whereas an agreement relating to the sale and transfer of the undertaking of the Meerbrook Sough Company has been entered into between that company the corporation and the district council and the same is set forth in the First Schedule to this Act and it is expedient that the said agreement be confirmed and carried into effect :

And whereas it is expedient to enlarge the borrowing powers of the corporation and the district council respectively for the construction of works for supplying water within their respective limits of supply and to confer upon them the further powers contained in this Act :

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

And whereas estimates have been prepared for the purposes herein-after mentioned in respect of which borrowing powers are by this Act conferred upon the Board and such estimates are as follows :—

For the purchase of the undertaking of the Meerbrook Sough Company and defraying the costs charges and expenses incident to such purchase and to the transfer of such undertaking to the Board (other than the costs of this Act) -	£ 6,000
For and in connexion with the purchase of lands for and the construction of the works which the Board are by this Act authorised to construct other than the Ilkeston Reservoir and the Codnor Reservoir -	106,500

And whereas estimates have been prepared by the district council for the construction of additional waterworks including the Codnor Reservoir authorised by this Act and for the extension and improvement of their water undertaking and such estimates amount to twelve thousand pounds :

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

And whereas absolute majorities of the whole number of the council of the borough and of the district council respectively at meetings of those bodies held on the thirteenth day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meetings respectively and of the purposes thereof in the *Ilkeston Pioneer* being a local newspaper published or circulating in the borough and in the urban district such notices being in addition to the ordinary notices required for summoning such meetings resolved that it was expedient to promote the Bill for this Act :

And whereas such resolutions were published twice in the said *Ilkeston Pioneer* and have received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by absolute majorities of the whole number of the council of the borough and of the district council respectively at further special meetings held in pursuance of similar notices as to the council of the borough on the fifteenth day of January and as to the district council on the eighth day of January in the year one thousand nine hundred and one being in each case not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough and of the urban district respectively by resolutions in the manner provided in the third schedule to the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the 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 of Derby and are in this Act respectively referred to as the deposited plans sections and book of reference :

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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):—

PRELIMINARY.

Short title.

1. This Act may be cited as the Ilkeston and Heanor Water Act 1901.

Incorporation of Acts.

2. The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say):—

(1) The provisions of the Commissioners Clauses Act 1847 with respect to the following matters (namely):—

The meetings and other proceedings of the commissioners and their liabilities (except sections 45 46 48 52 and 54);

The contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

The liabilities of the commissioners and legal proceedings by or against the commissioners;

The appointment and accountability of the officers of the commissioners;

The making of byelaws;

The giving of notices and orders;

The recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the construction of the waterworks and with respect to the breaking up of streets for the purpose of laying pipes:

(3) The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers:

(4) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

Interpretation.

3. The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such

construction Provided that in the provisions of the Commissioners A.D. 1901.  
Clauses Act 1847 incorporated with this Act for the purposes of  
this Act—

“The commissioners” means the Board :

And in this Act unless the subject or context otherwise requires—

“The Board” means the Ilkeston and Heanor Water Board incorporated by this Act ;

“The corporation” means the mayor aldermen and burgesses of the borough of Ilkeston ;

“The district council” means the Heanor Urban District Council ;

“Constituent authority” means either the corporation or the district council as the case may be ;

“The borough” means the borough of Ilkeston ;

“The urban district” means the urban district of Heanor ;

“The clerk” means the clerk to the Board ;

“The county council” means the county council of Derbyshire ;

“The company” means the Meerbrook Sough Company ;

“The Act of 1841” means the Act 4 & 5 Vict. c. lxxxviii. recited in the preamble to this Act ;

“The scheduled agreement” means the agreement dated the eleventh day of December one thousand nine hundred made between the company of the first part the corporation of the second part and the district council of the third part and set forth in the First Schedule to this Act ;

“The undertaking of the company” includes the Meerbrook Sough and any other soughs drains works lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of their undertaking to the Board under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the members and constitution of the company and except any money belonging to the company at the date of the transfer ;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities payable

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to bearer) authorised by or under any Act of Parliament passed or to be passed of any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Board or of the constituent authorities.

CONSTITUTION OF THE BOARD.

Incorporation of Board.

4. For the purpose of carrying this Act into execution there shall be a joint board of thirteen members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of the Ilkeston and Heanor Water Board with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

Constitution of Board.

5. The constitution of the Board shall (subject to the provisions of this Act) be as follows:—

Eight members to be appointed by the corporation; and  
Five members to be appointed by the district council.

Appointment of members.

6.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held prior to the seventh day of September one thousand nine hundred and one or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of May one thousand nine hundred and four.

(2) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of May in the year one thousand nine hundred and four and in each succeeding third year appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office for the period of three years from such Wednesday.

Provisions on failure to appoint members.

7. If either constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if either constituent authority fail to appoint members of the Board at any subsequent period of election the then existing members of the Board representing such authority

shall unless disqualified continue in office till their successors are appointed. A.D. 1901.

8.—(1) A person shall not be qualified to be a member of the Board unless he is a member of the council of the constituent authority by which he is appointed. Qualification of members.

(2) If a member of the Board appointed by a constituent authority becomes disqualified he shall cease to be a member of the Board.

9. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may if they think fit at any time after the happening of such vacancy appoint a member of the Board in his place and every member of the Board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. Occasional vacancies.

10. Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith transmit the certificate to the clerk to the Board. Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members appointed by his authority to the clerk of the other authority. Appointment of members to be certified to Board.

11. The Board shall hold their first meeting at the Town Hall in the borough on the eleventh day of September one thousand nine hundred and one at twelve o'clock at noon (unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) and other meetings of the Board (including their annual meetings) shall be held on such days at such times and at such places as the Board may from time to time appoint and such meetings shall for the purposes of the Commissioners Clauses Act 1847 be deemed to be monthly meetings. First and other meetings of Board.

12.—(1) At their first meeting and subsequently at their annual meeting in each year the Board shall appoint one of their number to be chairman and another to be vice-chairman of the Board for the ensuing year. Chairman and vice-chairman.

(2) If at any meeting of the Board the chairman be not present the vice-chairman (if present) shall be chairman of such meeting.

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Power to  
call special  
meetings.

13. In addition to the meetings to be held by appointment of the Board the chairman of the Board or any two or more members thereof may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly.

Error failure  
&c. not to  
invalidate  
acts done &c.

14. Any act of the Board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the appointment of any member of the Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any failure or omission on any occasion on the part of either constituent authority to appoint any member of the Board or by reason of any other irregularity error failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

As to con-  
vening  
meetings.

15. The first meeting of the Board shall be convened by the town clerk of the borough and every subsequent meeting shall be convened by the clerk to the Board and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of meeting.

Quorum.

16. The number of members of the Board present to constitute a meeting of the Board shall be five.

Officers of  
Board.

17.—(1) The Board may appoint and may remunerate a clerk a deputy clerk an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of either of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of both or either of the constituent authorities.

(2) All things required or authorised to be done by or to the clerk may be done by or to the deputy clerk and the deputy clerk may act notwithstanding a vacancy in the office of clerk.

Power to  
alter number  
of members.

18. On the application of either of the constituent authorities the Local Government Board may after inquiry and prior notice thereof to the constituent authorities by order alter the number and proportion of members to be appointed by the constituent authorities and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum Provided that if the Local Government Board shall make any order under this section the proportion of members



to be appointed by the constituent authorities respectively shall be based upon the relative rateable values according to the valuation lists for the time being in force of the borough and of the urban district respectively. A.D. 1901.

**19.** If any question as to any matter in which the interests of the constituent authorities are not identical (as to which a statement to that effect in the request herein-after mentioned shall be conclusive) arise at a meeting of the Board and upon such question all the members representing one of the constituent authorities present and voting at the meeting vote in the same sense then on the request in writing of the representatives or of the majority of the representatives of either of the constituent authorities present at such meeting delivered to the clerk within seven days after such meeting such question shall be referred to arbitration the arbitrator being appointed in default of agreement by the Local Government Board. Arbitration.

#### PURCHASE OF MEERBROOK SOUGH COMPANY'S UNDERTAKING.

**20.**—(1) The scheduled agreement is hereby confirmed and made binding upon the company and upon the Board and shall have effect as if the Board were a party thereto and referred to therein instead of the corporation and the district council. Confirmation of scheduled agreement and transfer of undertaking.

(2) The sale of the undertaking of the company in pursuance of this Act may be carried into effect by a deed in the form set forth in the Second Schedule to this Act with such variations as the circumstances may require and upon the execution of such deed by the company the undertaking of the company with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board and such transfer and vesting are in this Act referred to as "the transfer."

**21.** If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Board as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise. Pending actions.

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Contracts of company to be binding on Board.

**22.** All agreements contracts conveyances deeds and other instruments affecting the company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company the Board had been a party thereto.

Application of purchase-money payable to company.

**23.** The company shall hold the purchase-money paid to them by the Board under this Act in trust to pay apply and distribute the same amongst the shareholders in the company rateably according to their interests in the capital of the company and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the date of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders in the company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid.

Payment into court by directors.

**24.** Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money for the undertaking of the company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Derbyshire holden at Wirksworth under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the company and directors from all further liability with respect to the money so paid.

Winding up and dissolution of company.

**25.**—(1) So soon as conveniently may be after the transfer the affairs of the company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for distributing the purchase-money and winding up the affairs of the company and when and so soon as such money shall have been distributed and the affairs

of the company wound up the company shall be by virtue of this Act dissolved. A.D. 1901.

(2) If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

(3) After the date of transfer and until the dissolution of the company they shall be entitled to access at all reasonable times to the books documents and accounts relating to the undertaking for all or any of the purposes of this section.

**26.** All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Board. Books &c. to remain evidence.

**27.** The Act of 1841 shall as from the transfer be repealed except so far as may be necessary to give effect to the provisions of this Act and except the sections which are set forth in the Third Schedule to this Act and which shall apply and have effect as if the Board were therein referred to instead of the company. Repeal of Act.

#### WORKS AND LANDS.

**28.** Subject to the provisions of this Act the Board may maintain repair renew and alter the Meerbrook Sough and all other soughs drains and works acquired by them from the company in pursuance of this Act and may use and employ the same for the purpose of taking and intercepting water and may take and intercept any water which now flows directly or indirectly into the Meerbrook Sough or such other soughs drains and works or which might have been taken or intercepted by the company if this Act had not been passed. Power to maintain existing works and to take water.

**29.** Subject to the provisions of this Act the Board may make and maintain the works herein-after referred to in the county of Derby in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections (that is to say):— Power to make works.

Work No. 1 An intercepting well or tank to be situate in the township of Wirksworth adjacent to and communicating with the Meerbrook Sough:

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Work No. 2 An aqueduct conduit or line of pipes (to be called Line of Pipes No. 1) to be situate in the township of Wirksworth commencing at the said intercepting well and terminating at the receiving tank next herein-after mentioned :

Work No. 3 A receiving tank and pumping station (to be called the Meerbrook Sough Pumping Station) to be situate in the township of Wirksworth :

Work No. 4 An aqueduct conduit or line of pipes (to be called Line of Pipes No. 2) to be situate in the townships of Wirksworth Dethick Lea and Holloway and Crich commencing at the Meerbrook Sough Pumping Station and terminating in the township of Crich at the intended Chadwick Nick Reservoir herein-after mentioned :

Work No. 5 A service reservoir (to be called the Chadwick Nick Reservoir) to be situate in the township of Crich :

Work No. 6 An aqueduct conduit or line of pipes (to be called Line of Pipes No. 3) to be situate in the townships of Crich Heage Pentrich Ripley Codnor-cum-Loscoe Heanor and Shipley commencing at the Chadwick Nick Reservoir and terminating at the Ilkeston Reservoir herein after mentioned :

Work No. 7 A service reservoir (to be called the Ilkeston Reservoir) to be situate in the township of Shipley :

Work No. 8 A service reservoir (to be called the Codnor Reservoir) to be situate in the parish of Codnor Park :

Work No. 9 An aqueduct conduit or line of pipes (to be called Line of Pipes No. 4) to be situate in the townships or parishes of Codnor-cum-Loscoe and Codnor Park commencing by a junction with Line of Pipes No. 3 at a point about 8 chains east of the boundary between the townships of Ripley and Codnor-cum-Loscoe where it crosses the public highway between Ripley and Codnor and terminating in the Codnor Reservoir.

Subsidiary works.

30. The Board in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water-towers overflows waste-water channels gauges filter-beds reservoirs tanks banks walls bridges embankments approaches telephone and telegraph posts conductors and apparatus engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Board from any action

indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them: A.D. 1901.

Provided that no telegraphic or telephonic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

**31.** In the construction of the works authorised by this Act the Board may deviate from the lines thereof to any extent not exceeding the limits of 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 from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream no part of the aqueducts authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. Limits of deviation.

**32.** Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the Meerbrook Sough and the tributary streams and waters flowing into the Meerbrook Sough and all such springs streams and waters as will or may be intercepted by the works authorised by this Act or as may be found in on or under any of the lands for the time being belonging to the Board. Power to take waters.

**33.** Notwithstanding anything contained in this Act the Board shall not under the powers of this Act take from or in any way reduce the flow of water down the Meerbrook Sough in any one day by a greater quantity of water than three million gallons and shall subject to the rights of any other parties who may be entitled to such water allow the residue of the water to continue to flow down the said sough and into the River Derwent in the same manner and at or about the same point above the mill of Richard Johnson and Nephew Limited as it would have flowed if this Act had not been passed and for that purpose shall maintain the said sough. Limiting quantity of water taken from Meerbrook Sough.

**34.** For the protection of the Derbyshire County Council the board of conservators of the Trent Fishery District the English Sewing Cotton Company Limited Richard Johnson and Nephew Limited the mayor aldermen and burgesses of the borough of Derby Provision of measuring apparatus.

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and the mayor aldermen and citizens of the city of Nottingham and their respective successors and assigns (all of whom are in this section included in the expression "the said parties") the following provisions shall apply (that is to say) :—

- (1) For the purpose of measuring the amount of water taken by the Board under the powers of this Act the Board shall provide and maintain such suitable measuring apparatus as shall be approved by the said parties or in case of difference as shall be determined by arbitration as herein-after provided and shall also keep a book containing a record of the quantity of water taken during each day and the said measuring apparatus and book shall at all reasonable times be open to the inspection and examination of a person or persons for the time being duly authorised in writing by the said parties or any of them or of any officer of the Board of Trade authorised in writing for that purpose :
- (2) If at any time any such measuring apparatus shall be out of repair or in an unfit condition for the purpose for which it is intended the Board shall forthwith put the same in repair and condition and if they fail to do so within one month after notice being given them in writing in that behalf by the said parties or any of them the said parties or any of them may cause the said measuring apparatus to be put in fit repair and condition and may recover the cost of so doing from the Board :
- (3) In the event of any dispute at any time arising between the Board and the said parties or any of them as to the quantity of water taken by the Board or as to the sufficiency or accuracy of any measuring apparatus or as to its condition or state of repair such dispute shall be settled and determined by arbitration by an engineer or other fit person to be appointed by the parties in difference or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of such parties.

Penalty for  
taking excess  
of water.

**35.** Should the Board take from Meerbrook Sough in any one day a greater quantity of water than three million gallons they shall be liable to a penalty of ten pounds for every day on which such increased quantity of water is taken and such sum may be recovered summarily but shall be recoverable only by the board of conservators of the Trent Fishery District with the sanction of the Board of Trade.

**36.** For the protection of the English Sewing Cotton Company Limited and Richard Johnson and Nephew Limited their successors and assigns (in this section referred to as "the said companies") the following provisions shall apply:—

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For protection of English Sewing Cotton Company Limited and Richard Johnson and Nephew Limited.

(1) If contrary to the provisions of this Act the Board shall at any time take more than three million gallons of water in any one day the Board shall be liable to make compensation for any loss damage or injury sustained by the said companies or either of them in any case where such loss damage or injury shall have arisen from an avoidable cause or the neglect of the Board and in case of difference the amount of such compensation shall be settled by arbitration:

(2) The said companies shall each be entitled to compensation in money under the provisions of section 6 of the Waterworks Clauses Act 1847 for any damage sustained by the said companies respectively by reason of the Board taking under this Act in any one day water in excess of one million gallons but no compensation shall be claimable in respect of such one million gallons:

(3) In the event of any dispute at any time arising between the Board and the said companies or either of them as to compensation under subsection (1) of this section such dispute shall be settled and determined by arbitration by an engineer or other fit person to be appointed by the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of any of the parties.

**37.** For the protection of the mayor aldermen and burgesses of the borough of Derby or other the owner lessee and occupier for the time being (herein-after called "the corporation millowners") of the mills respectively known as St. Michael's Mill and Brown's Mill the following provision shall apply:—

For protection of corporation of Derby.

The corporation millowners shall each be entitled to compensation in money under the provisions of section 6 of the Waterworks Clauses Act 1847 for any damage sustained by them respectively by reason of the Board taking under this Act in any one day water in excess of one million gallons but no compensation shall be claimable in respect of such one million gallons.

**38.** And whereas the mayor aldermen and citizens of the city of Nottingham (in this section referred to as "the corporation") are interested in the flow of the River Trent for navigation and

For protection of corporation of Nottingham.

A.D. 1901. — other purposes Therefore the following provisions shall have effect (that is to say):—

(1) Notwithstanding anything contained in this Act the Board shall not under the powers of this Act take from or in any way reduce the flow of water down the Meerbrook Sough in any one day by a greater quantity of water than three million gallons and shall subject to the rights of any other parties who may be entitled to such water allow the residue of the water to continue to flow down the said sough and into the River Derwent in the same manner and at or about the same point as it would have flowed if this Act had not been passed and for that purpose shall maintain the said sough:

(2) The corporation shall be entitled to compensation in money under the provisions of section 6 of the Waterworks Clauses Act 1847 for any damage (if any) sustained by the corporation by reason of the Board taking under this Act in any one day water in excess of two million gallons but no compensation shall be claimable in respect of such two million gallons.

Period for completion of works.

**39.** If the works authorised by this Act and delineated on the deposited plans 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 shall then be completed Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require.

Power to take lands.

**40.** Subject to the provisions and for the purposes of this Act the Board may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for compulsory purchase of lands.

**41.** 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.

Power to acquire easements only.

**42.—(1)** The Board may in lieu of acquiring any land for the purpose of the aqueducts authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining using cleansing repairing renewing and enlarging the said works or of obtaining access thereto 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. A.D. 1901.

(2) Provided that as regards any lands taken or used by the Board for the purpose of such works where they are respectively laid underground the Board shall not (unless they give notice to treat for such lands and not merely for easements or rights 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 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 or right only and every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this provision.

**43.** The Board in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of their undertaking any lands not exceeding in the whole fifty acres Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands nor erect or authorise or permit the erection thereon of any buildings except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their undertaking. Power to purchase additional lands by agreement.

**44.** 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 Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

A.D. 1901.

Power to  
sell lands.

45. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Board may sell lease and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof.

Reservation  
of water  
rights &c. on  
sale.

46. The Board on selling any lands acquired by them in connexion with their undertaking and not required for that purpose 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 deposit of manure sewage or other impure matter and otherwise as they may think fit.

Restriction  
on taking  
houses of  
labouring  
class.

47.—(1) The Board shall not under the powers of this Act purchase or acquire 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.

(2) If the Board purchase or acquire any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means 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 of such persons who may be residing with them.

**48.**—(1) The Board may make byelaws for securing the purity of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers works and conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water.

A.D. 1901.  
Byelaws for  
securing  
supply and  
purity of  
water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) The provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Board under this section and in the application of such provisions the Board shall be deemed to be an urban authority.

(4) All byelaws made under this section shall be subject to the approval of the district council of every district comprising any part of the area within which it is proposed that they shall be in force. Provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(5) One month at least before submitting any such byelaws to the Local Government Board for confirmation a copy thereof or of the draft byelaws shall be furnished to the county council and the county council shall be entitled to lay before the Local Government Board any observations or objections respecting the same.

(6) The Board shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

**49.**—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the aqueducts authorised by this Act the Board may cause the water in such aqueduct to be temporarily discharged into any available stream or watercourse.

Temporary  
discharge of  
water into  
streams.

(2) In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be

A.D. 1901. settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application  
of Water-  
works  
Clauses Act  
1847 to  
aqueducts  
and to  
telephones.

50. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads (whether within or without the borough or the urban district) of the aqueducts authorised by this Act and of any telephone or telegraph posts wires conductors or apparatus to be erected or laid down by the Board for the purposes of their undertaking Provided that nothing contained in this section shall deprive the Board of the power conferred upon them by this Act to deviate from the lines of the said aqueducts as shown on the deposited plans beyond the boundaries of any street or road and within the limits of deviation shown on the deposited plans.

Saving  
mining  
rights of  
Crown.

51. Nothing herein contained shall extend or be deemed construed or taken to extend to prejudice lessen or defeat the right title or interest of the King's most Excellent Majesty or of His lessee or lessees for the time being in or to the duty of lot and cope or other duties upon lead ore or lead mines within the Soke and Wapentake of Wirksworth or to alter vary injure or prejudice the custom of mining or the right of His Majesty or His lessee or lessees to exercise the same or any of the laws articles customs rules or orders relating thereto but the same rights customs laws articles rules and orders relating to the mines and miners and the due working of the same mines within the said Soke and Wapentake of Wirksworth shall remain continue and be in the like force vigour and effect as the same were in immediately before and at the time of the passing of this Act.

Saving  
rights of  
Duchy of  
Lancaster.

52.—(1) Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

(2) Nothing herein contained shall extend or be deemed or taken to extend to prevent or in any way interfere with the working

by the King's most Excellent Majesty or His heirs or successors or His or their lessee or lessees of any mines or minerals whatever within the Soke or Wapentake of Wirksworth in the same manner as the same might have been worked if this Act had not passed. A.D. 1901.

**53.** Nothing herein contained shall extend or be deemed or taken to extend to prevent or in any way interfere with the working under the Derbyshire Mining Customs and Mineral Courts Act 1852 of any mines or minerals whatever within the Soke or Wapentake of Wirksworth in the same manner as the same might have been worked if this Act had not passed. Saving for mining rights.

**54.** Before laying any conduits mains or lines of pipes along any public road the Board shall submit a plan showing the proposed position and depth of such conduits mains or lines of pipes to the engineer of the Derwent Valley Water Board for his reasonable approval in writing before the commencement of the work. Provided that the said engineer shall be deemed to approve the plan if within fourteen days after the submission thereof he does not give notice to the Board of his disapproval together with the grounds thereof and that in case of any difference between the said engineer and the Board as to the position in which or depth at which such conduits mains or lines of pipes shall be laid the matter shall be referred in the case of a main road to the surveyor of the county for his decision and in the case of a road not being a main road to an engineer appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers on the application of either party. Provided further that in case the said engineer shall approve any such plan and that the county council or road authority under the provisions of the section of this Act of which the marginal note is "For protection of county and district councils" direct the laying of such conduits mains or lines of pipes in a position other than that shown on such approved plan the matter in difference shall be settled by arbitration by an engineer to be agreed on by the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of any of the parties. For protection of Derwent Valley Water Board.

**55.**—(1) In laying the mains in connexion with the works authorised by this Act the Board shall provide that wherever any such mains are laid in or below any river adjoining to any county bridge such mains shall be carried under such river at least ten yards clear of the river piers of the bridge across such river. For protection of county and district councils.

(2) In every case where the proposed mains are laid at a less distance than ten yards from the river piers of any county or main road bridge the Board shall after laying such mains refill the

A.D. 1901. trenches to the reasonable satisfaction of the surveyor of the county council.

(3) All conduits mains or lines of pipes to be laid in or along any main road shall as far as practicable be constructed and laid in such a position at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith and the gradient of the respective approaches to such bridge shall not be altered without the consent of the county council.

(4) All works to be constructed or laid in along or across or in any way affecting any main road bridge or any approach thereto and all other works to be constructed or maintained by or in consequence of the provisions of this section shall be executed at the expense of the Board under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor to the county council and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work. Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof.

(5) The works shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto.

(6) In any case where the conduits mains or other works authorised by this Act are laid under any street or road south of Ambergate the same shall be so laid that a clear width of not less than six feet of such street or road shall be left available for the sewers gas and water mains electric cables and similar works which may be required for the sewerage or for the supply of gas water or electricity to the inhabitants of the district in which such street or road is situate.

(7) The Board shall pay to the county council the reasonable costs in relation to the superintendence by this Act authorised.

(8) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times after three months' notice in writing to the Board to divert or improve any main road and also to remove alter or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if

this Act had not been passed and such conduit main or line of pipes had not been constructed or laid in alongside or near to such main road or bridge respectively without making any compensation to the Board for any expense or loss to which the Board may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which the conduit main or line of pipes is laid being diverted or improved removed altered or renewed as aforesaid the Board shall at their own expense alter the position of the works by which such conduit main or line of pipes is carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the surveyor to the county council Provided that before and during such diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Board all reasonable facilities for temporarily carrying such conduit main or line of pipes along the main road or across or under the stream so as not to interrupt the continuous supply of water. A.D. 1901.

(9) The county council shall not except in the case of their negligence be liable to any claim for damages in respect of any injury which may be caused to any conduit main or line of pipes belonging to the Board through the use by the county council of a steam roller upon any main road.

(10) If any difference arise between the Board and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an engineer to be agreed on by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

(11) The foregoing provisions of this section shall with the necessary modifications apply to the several road authorities in the county of Derby in respect of all roads and bridges in their respective districts as well as to the main roads and the county bridges vested in the county council affected or proposed to be affected by any of the works shown on the deposited plans.

56. In executing the works by this Act authorised where the same will affect any railway or any part of the works or property including the Cromford Canal (which railway works and property are herein-after called "the railway") of the Midland Railway Company (herein-after called "the Midland Company") the Board shall (except so far as it may be otherwise agreed between the

For protection of Midland Railway Company.

A.D. 1901. Midland Company and the Board) be subject to the following conditions:—

- (1) All works to be done by the Board in the exercise of the powers conferred by this Act in any way affecting the railway shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Board of his objections thereto he shall be deemed to have approved thereof:
- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Board notice that they desire themselves to construct so much of the works as will affect the railway the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Board:
- (3) Any works affecting the railway which the Board may execute under this section shall be so constructed as to cause no injury to the railway of the Midland Company or interruption to the passage or conduct of traffic over the railway and if in consequence of the execution of such works any injury be caused to the railway or any interruption be caused to the traffic the Board shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration:
- (4) The Board shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work affecting the railway of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Board and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors:
- (5) The Board shall acquire only such an easement across over or under the railway as may be necessary for constructing or maintaining the works of the Board by this Act authorised and



shall pay to the Midland Company for any such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845: A.D. 1901.

- (6) Any dispute or difference which may arise between the Midland Company and the Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Board and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

#### APPORTIONMENT AND SUPPLY OF WATER.

**57.**—(1) As soon as the Board are able to supply water to the constituent authorities from the works authorised by this Act the constituent authorities shall (unless and until they shall otherwise agree) supply their respective districts with water obtained from the Board and from no other source and each of the constituent authorities shall be entitled to such quantity of the water obtained by the Board as they may require. Provided that if there shall be insufficient water to meet the requirements of both constituent authorities the amounts to which the corporation and the district council shall be respectively entitled shall be in proportion to the population according to the last census for the time being of the borough and the urban district respectively. Apportionment of water.

(2) Unless otherwise agreed between the Board and the constituent authorities respectively the Board shall deliver into the existing reservoir of the corporation or into the Ilkeston Reservoir authorised by this Act as may be required by the corporation the quantity of water to which the corporation are entitled under the provisions of this section and into the existing reservoir of the district council and the Codnor Reservoir authorised by this Act the quantity of water to which the district council are entitled under such provisions and such respective quantities shall be measured by meters or other suitable instruments to be of such description and placed in such positions as may be agreed between the Board and the constituent authorities respectively or as may in default of agreement be determined by arbitration.

**58.**—(1) Subject to the provisions of this Act the Board shall as soon as they are by means of works constructed under the For supply to local authorities.

A.D. 1901.

powers of this Act in a position to supply water to meet the requirements of the constituent authorities supply water in bulk to the local authorities of the urban and rural districts mentioned in the Fourth Schedule to this Act who shall demand to be supplied with water in pursuance of this section such daily quantity of water as such local authorities require for the supply (in the case of an urban district) of that district and (in the case of a rural district) of all or any of the parishes in that district mentioned in the said Fourth Schedule.

(2) Any supply of water given in pursuance of this section shall be given in consideration of an annual payment of such price per one thousand gallons and upon and subject to such terms and conditions as may be from time to time agreed between the Board and the authority demanding and taking the supply and in the event of the Board and the said authority failing to agree on the price terms and conditions the same shall be settled by an arbitrator appointed unless otherwise agreed by the county council.

(3) If for any reason the Board do not furnish the supply of water to which any authority are entitled in pursuance of this section the payment to be made to the Board in respect of such supply shall be reduced in proportion to the defect in such supply.

(4) The corporation and the district council shall at all times have a prior right of supply of a quantity of water not exceeding twenty-five gallons per diem per head of their population from the water to be obtained under the powers of this Act. Provided that not less than two years' notice in writing of the intention to enforce the right of priority of supply shall be given by the Board to any authority with whom they have entered into an agreement for supply under the provisions of this section.

(5) No authority shall be entitled to a supply of water under this section without having given at least one year's notice of the date when such a supply will be required and of the amount thereof and no authority having obtained a supply under this section shall be entitled to require any further quantity until the expiration of two years from the commencement of such supply and without giving such notice as aforesaid.

Taking of samples.

59.—(1) For the better enforcement of the provisions of this Act it shall be lawful for any officer or person authorised by the county council on producing if required his written authority so to do at any time to enter on any land works or buildings of the Board for the purpose of taking and carrying away and to take and carry away any samples of water from any of the works acquired

under or authorised by this Act before and after treatment for softening the same. A.D. 1901.

(2) Any person who obstructs or molests any such officer or person shall be liable to a penalty not exceeding five pounds.

**60.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the urban district council of Wirksworth (herein-after called "the Wirksworth Council") shall be binding and obligatory upon the Board (that is to say):—

For protection of Wirksworth Urban District Council.

(1) Nothing contained in this Act shall deprive the Wirksworth Council of any right of taking and pumping from the Meerbrook Sough as much water as may from time to time be required for the domestic and trade purposes of the Wirksworth Urban District and in the exercise of any such right the Wirksworth Council may take and pump such water in priority to the Board :

(2) The Wirksworth Council shall if they so desire have the free user in perpetuity of so much of one of the shafts of the Meerbrook Sough belonging to the Board as may be necessary for constructing using and maintaining shafts adits or ways pumping machinery and plant necessary for taking and pumping such water as the Wirksworth Council are entitled to take and pump such shafts adits or ways machinery and plant to be constructed maintained and used in such manner as may be agreed between the Wirksworth Council and the Board or in the event of difference as may be determined by arbitration in manner prescribed by this section. Provided that nothing herein contained shall prevent the Board from free access from time to time to the shaft for the purpose of repairs. And provided further that nothing herein contained shall prevent the Wirksworth Council from sinking an independent shaft into the Meerbrook Sough for the purposes aforesaid :

(3) Nothing in this Act shall allow or authorise the Board to intercept collect impound or appropriate any of the existing springs and waters used for the existing water supply of the Wirksworth Council to a greater extent (if any) than the company were entitled to intercept the same or prejudice or affect any rights the Wirksworth Council may have under the Act passed in the forty-second year of the reign of King George the Third intituled "An Act for dividing allotting and inclosing the several commons and waste lands within the manor and township of Wirksworth in the county of Derby

A.D. 1901.

for protecting certain springs situate on the said commons and waste lands and for the better securing a supply of water for the use of the inhabitants of the town of Wirksworth in the said county" and the Act confirming the Provisional Order of the Local Government Board of 1880 entitled the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 :

- (4) The Board shall not by any of the works by this Act authorised so divert or alter the flow of the waters of the Meerbrook Sough as to interfere with the exercise by the Wirksworth Council of any right to take and pump free any of such waters :
- (5) No byelaws as to pollution authorised to be made by this Act shall be enforced against the Wirksworth Council for four years after the passing of this Act and if in the opinion of an arbitrator appointed as herein-after provided any extra cost of sewerage or sewage works shall be necessarily incurred by the Wirksworth Council owing to such byelaws and would not be necessary if such byelaws were not made such extra cost shall be borne and paid by the Board to the Wirksworth Council within such period as shall be fixed by such arbitrator :
- (6) Subject to the provisions of this Act and without prejudice to any rights of the Wirksworth Council herein-before provided for the Board shall if so required by the Wirksworth Council permit that council to take a supply of water in bulk from and through the said shaft or any independent shaft of the Wirksworth Council as provided by subsection (2) hereof :
- (7) The supply in bulk under subsection (6) hereof shall be in consideration of an annual payment of such price per one thousand gallons upon and subject to such terms and conditions as may be from time to time agreed between the Board and the Wirksworth Council and in the event of the Board and the Wirksworth Council failing to agree on the price terms and conditions the same shall be settled by an arbitrator appointed unless otherwise agreed by the Local Government Board :
- (8) The corporation and the district council shall but without prejudice to the provisions of subsections (1) to (5) of this section at all times have a prior right of supply of a quantity of water not exceeding twenty-five gallons per diem per head of their population from the three million gallons of water obtained under the powers of this Act Provided that not less

than two years' notice in writing of the intention to enforce the rights of priority of supply shall be given by the Board to the Wirksworth Council if they shall have entered into an agreement with them for supply in bulk under the provisions of subsections (6) and (7) of this section : A.D. 1901.

(9) Without prejudice as aforesaid the Wirksworth Council shall not be entitled to a supply of water under subsections (6) and (7) of this section without having given at least six months' previous notice of the date when such supply will be required and of the amount thereof. And the Wirksworth Council having obtained a supply under those subsections shall not be entitled to require any further quantity until the expiration of two years from the commencement of such supply and without giving such notice as aforesaid :

(10) Any question or difference which may arise between the Board and the Wirksworth Council under the provisions of this section shall be determined by arbitration the arbitrator being appointed in default of agreement by the Local Government Board.

**61.** The Board may enter into and carry into effect agreements with any local authority company or person for the supply of water to such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of the local authority of and of any company corporation or person supplying water under Parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the borough and the urban district. Contracts for supplying water in bulk.

#### FINANCIAL PROVISIONS.

**62.**—(1) The Board may from time to time borrow at interest any sum or sums of money for the purposes following (that is to say) :— Power for Board to borrow.

(a) For the purchase of the undertaking of the company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Board and for the payment of any other sum payable by the Board under the scheduled agreement (other than the costs of this Act) the sum of six thousand pounds ;

A.D. 1901.

(b) For and in connexion with the purchase of lands for and the construction of the works which the Board are by this Act authorised to construct other than the Ilkeston Reservoir and the Codnor Reservoir the sum of one hundred and six thousand five hundred pounds ;

(c) For working capital the sum of five thousand pounds ;

(d) For paying the costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose ;

and with the approval of the Local Government Board such further moneys as the Board may require for any of the purposes of their undertaking.

(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 their water 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 this Act.

Mode of raising money.

**63.** The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the last-mentioned Act the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by the said Act Provided that the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Provisions of Public Health Act 1875 as to mortgages to apply.

**64.** The following sections of the Public Health Act 1875 shall with the necessary modifications extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage ;

Section 237 Register of mortgages ;

Section 238 Transfer of mortgages.

Periods for discharge of loans.

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

As to money borrowed for the purposes (a) and (b) mentioned in the section of this Act the marginal note whereof is "Power

for Board to borrow" within sixty years from the date or dates of the borrowing of the same; A.D. 1901.

As to money borrowed for the purpose (c) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (d) in the said section mentioned within five years from the date or dates of the borrowing of the same;

As to money borrowed with the approval of the Local Government Board within such period as that Board may sanction.

**66.** The Board shall pay off all moneys borrowed by them under the powers of this Act 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 as regards money borrowed for the purposes (a) and (b) mentioned in the section of this Act the marginal note whereof is "Power for Board to borrow" be made not later than the thirty-first day of March after the completion of the works authorised by this Act or the thirty-first day of March one thousand nine hundred and six (whichever shall be the earlier) and as regards all other borrowed moneys shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made. Mode of payment off of money borrowed.

**67.**—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either— Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in

A.D. 1901. — respect of which the sinking fund is formed be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as the Local Government Board may direct.



(8) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund. A.D. 1901.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Board may with the consent of the Local Government Board discontinue the annual payments to such sinking fund until that Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purpose as the Board with the consent of the Local Government Board may determine.

**68.** A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

**69.** The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Board not to regard trusts.

A.D. 1901. s. 70.—(1) The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

71. If the Board pay off any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other money received on capital account not being borrowed money they may from time to time re-borrow the same but all money so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the money originally borrowed and the obligations of the Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

72.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable

to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1901.

(2) If it appears to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

73. All money borrowed by the Board under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for working capital) to purposes to which capital is properly applicable.

Application of money borrowed.

74. Any capital moneys received by the Board on the sale or lease of any lands in pursuance of the powers of this Act shall be distinguished as capital in the accounts of the Board and may be applied in or towards defraying any expenditure for which the Board have by virtue of this Act for the time being unexhausted borrowing powers and capital moneys so received and not so applied shall be applied in discharge of any moneys borrowed by the Board under this Act but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such moneys shall not be re-borrowed. Provided that the amount of the borrowing powers of the Board for expenditure defrayed by the application of sums so received shall be reduced to the extent of the sums applied.

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

75. The Board shall be deemed to be an urban authority within the meaning of Part V of the Public Health Acts Amendment Act 1890 and to have adopted that Part of the Act and the

Board may issue stock.

A.D. 1901. Board may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Board to be repaid cost of constructing Ilkeston and Codnor Reservoirs.

**76.**—(1) (a) The corporation shall within three months after demand repay to the Board the sums from time to time expended by them in the purchase of land for and the construction of the Ilkeston Reservoir authorised by this Act and upon the completion of that reservoir and the repayment of such sums the Board shall and they are hereby empowered to transfer that reservoir with its appurtenances to the corporation :

(b) Any payment made by the corporation under this section shall be deemed to be one of the purposes of their water undertaking.

(2) (a) The district council shall within three months after demand repay to the Board the sums from time to time expended by them in the purchase of land for and the construction of the Codnor Reservoir authorised by this Act and upon the completion of that reservoir and the repayment of such sums the Board shall and they are hereby empowered to transfer that reservoir with its appurtenances to the district council :

(b) Any payment made by the district council under this subsection shall be deemed to be one of the purposes of their water undertaking.

Expenditure of Board.

**77.**—(1) Prior to the first day of April in each year the Board shall ascertain and determine the amount of money required by them for all expenditure other than capital expenditure during the year beginning on that day and shall apportion the same between the constituent authorities in accordance with the provisions of this section.

(2) Subject to any agreement which the constituent authorities may and which they are hereby empowered to make the expenditure of the Board (other than capital expenditure) for every year beginning on the first day of April shall be borne by the constituent authorities in proportion to the respective quantities of water supplied to them during the preceding year. Provided that in any year following a year in which neither of the constituent authorities shall have received water from the Board such expenditure shall be borne by the corporation and district council in proportion to the respective rateable values according to the valuation lists for the time being in force of the borough and the urban district respectively.

(3) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the

constituent authorities respectively shall within two months from the receipt of such precepts pay to the Board the amount so apportioned to them respectively. A.D. 1901.

(4) Such amounts respectively shall be paid by the constituent authorities out of the revenues of their respective water undertakings or out of their respective district funds and general district rates which revenues funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for the purposes of this section.

(5) If either constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of four per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(a) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the general district rate of the defaulting authority such sum to be specified in the precept as in the opinion of the Board will be sufficient to pay the amount in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(6) Any receiver appointed under this Act upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board to the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this

A.D. 1901. section conferred on the Board for recovering the amounts so apportioned.

Application of revenue.

78. The Board shall apply all money from time to time received by them except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of their undertaking;

Secondly In payment of the interest on moneys borrowed by the Board;

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Board.

Audit.

79. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof.

PROVISIONS AS TO SUPPLY BY CONSTITUENT AUTHORITIES.

Rates for supply of water for domestic purposes.

80.—(1) Each constituent authority shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled to demand from such authority a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed six pounds the sum of eight shillings and eightpence;

Where such rateable value exceeds six pounds and does not exceed twenty pounds the rate of seven pounds ten shillings per centum upon such rateable value;

Where such rateable value exceeds twenty pounds the rate of six pounds per centum upon such rateable value:

Provided that the constituent authority shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale.

(2) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where

the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. A.D. 1901.

**81.** In addition to the foregoing charges each constituent authority may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of such authority for the supply of water a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the constituent authority may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Rates for waterclosets and baths.

**82.—**(1) The provisions of section 72 of the Waterworks Clauses Act 1847 shall extend to all dwelling-houses or parts of dwelling-houses supplied by either of the constituent authorities which are occupied as separate tenements and let for any period less than a quarter of a year. Rate payable by owners of small houses.

(2) In any case arising under that section or this section the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner but no greater sum shall be recovered at any one time from any occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

**83.—**(1) Neither constituent authority shall be bound to supply with water otherwise than by measure any building used partly as a dwelling-house and partly as a warehouse or for any trade or manufacturing purpose for which water is required or any workhouse hospital or other large public institution. Supply by meter in certain cases.

(2) Where the constituent authority refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding one shilling and sixpence for every thousand gallons and the moneys payable to the constituent authority under this section shall be recoverable in the same manner as rates due to the constituent authority for water. Provided that the constituent

A.D. 1901. authority shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Notice of discontinuance of supply.

84. A notice to either constituent authority from a consumer for the discontinuance of a supply of water by such authority shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the constituent authority.

#### SPECIAL PROVISIONS RELATING TO THE URBAN DISTRICT.

District council not to be compelled to supply certain closets or baths.

85. The district council shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the district council nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. Provided that the foregoing provisions shall not entitle the district council to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

District council not bound to supply several houses by one pipe.

86. The district council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Supply of water for other than domestic purposes and by measure.

87. The district council may supply water for other than domestic purposes on such terms and conditions as the district council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Power to sell or let meters and fittings.

88.—(1) The district council may sell fix and repair meters and any pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this Act referred to as "water fittings") upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

(2) The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the district council to let for hire



any water fittings to any person supplied by them with water and shall apply to any water fittings so let for hire. A.D. 1901.

89.—(1) The district council may independently of any other borrowing power borrow at interest any sum not exceeding twelve thousand pounds for the construction of waterworks including the Codnor Reservoir authorised by this Act and for the extension and improvement of their water undertaking and with the approval of the Local Government Board such further money as may be necessary for any of the purposes of that undertaking. Power for district council to borrow.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the district council may mortgage or charge the revenue of their water undertaking and the district fund and general district rate of their district or either of such securities.

(3) The provisions of the sections of this Act with the following marginal notes shall with the necessary modifications apply for the purposes of this section as if the district council were therein named instead of the Board (namely):—

- Mode of raising money ;
- Provisions of Public Health Act as to mortgages to apply ;
- Mode of payment off of money borrowed ;
- Sinking fund ;
- Protection of lender from inquiry ;
- Board not to regard trusts ;
- Appointment of receiver ;
- Power to re-borrow ;
- Annual return to Local Government Board ;
- Application of money borrowed :

Provided that for the purposes of such provisions the prescribed period for the repayment of money borrowed under this section to the extent of twelve thousand pounds shall be sixty years from the date or dates of the borrowing of the same and the prescribed period for the repayment of money borrowed under this section with the approval of the Local Government Board shall be such period as that Board may prescribe.

(4) The powers of borrowing money given by this Act to the district council shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the district council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

A.D. 1901.

## MISCELLANEOUS.

Restriction  
on supply in  
bulk by con-  
stituent  
authorities.

**90.** Neither of the constituent authorities shall without the consent of the other supply water obtained by them from the Board to any local authority company or person outside their district except to a local authority company or person to whom they may be supplying water at the passing of this Act.

Incorporation  
of section 265  
of Public  
Health Act  
1875.

**91.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Act.

Inquiries by  
Local  
Government  
Board.

**92.**—(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 Board the corporation or the district council as the case may be shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in 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.

Authentica-  
tion and  
service of  
notices.

**93.**—(1) Where any notice demand order or precept under this Act requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be sufficient authentication.

(2) Notices demands orders or precepts required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand precept or order may be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Recovery  
of penalties.

**94.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recoverable as penalties but may be recovered summarily as civil debts.

**95.** All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the corporation and the district council respectively by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence and provided that in cases where the provisions of this Act conflict with the provisions of the Public Health Acts the former shall prevail.

A.D. 1901.  
Powers of Act cumulative.

**96.** No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the Board or of either of the constituent authorities.

Justices not disqualified.

**97.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the moneys to be borrowed by them under the powers of this Act.

Costs of Act.

A.D. 1901. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

THE SCHEDULED AGREEMENT.

ARTICLES OF AGREEMENT made the 11th day of December 1900 between the MEERBROOK SOUGH COMPANY (herein-after referred to as the company) of the first part the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF ILKESTON in the county of Derby (herein-after referred to as the corporation) of the second part and the URBAN DISTRICT COUNCIL OF HEANOR in the said county of Derby (herein-after called the said council) of the third part.

WHEREAS by an Act of Parliament made and passed in the fourth and fifth years of the reign of Her present Majesty Queen Victoria intituled "An Act to incorporate the proprietors of the Meerbrook Sough and to enable them to levy and raise certain royalties dues and tolls for the continuation and maintenance thereof" the company were incorporated for the purpose of continuing carrying forward and improving a certain sough level or water gate known as the Meerbrook Sough which had been theretofore constructed for the purpose of relieving certain mines veins and rakes of lead ore situate in the parish of Wirksworth in the county of Derby from the water therein with powers to purchase hold and sell lands or mines or veins and lead ore within the restrictions in the said Act contained for the purposes of the said undertaking :

And whereas pursuant to the said Act the company in or about the year 1841 carried forward and improved the said sough and works whereby a large quantity of water was drained from the said mines which still continues to flow to the mouth of the said sough at or near to Whatstandwell in the said county of Derby the course of the said sough being shown on the plan hereto annexed and thereon coloured pink And whereas the corporation and the council are desirous with the view of utilising the water in the said sough for the purpose of increasing the supply of water in the said borough of Ilkeston and in the urban district of Heanor respectively of purchasing the undertaking of the company :

Now these presents witness and it is hereby mutually agreed and declared **A.D. 1901.**  
by and between the said parties hereto as follows (that is to say):—

1. The company shall sell and the corporation and the council shall purchase the whole of the undertaking of the company and all and singular the hereditaments property assets and effects and rights and privileges under the said Act or otherwise of the company including the estate and interest of the company in the said sough and the water thereof and in all other drains and works connected therewith except that this sale and purchase shall not include the share registration and transfer books of the company or the purchase-money and interest payable under this agreement or the rights and privileges of the company incidental to their capital or their character as a company.

2. The purchase-money shall be the sum of 5,000*l.* and the corporation and the council shall in addition to paying the same take over and pay and indemnify the company and the directors and shareholders of the company against all the debts and liabilities of the company existing at the date of completion and shall adopt and fulfil all contracts and engagements then binding upon the company. The receipts of the company shall be a sufficient discharge to the corporation and the council for all moneys payable hereunder.

3. The sale and purchase shall be deemed to take effect as from the date of these presents.

4. The purchase shall be completed at the expiration of three calendar months after the Royal Assent shall have been given to the Act of Parliament herein-after mentioned provided that such Royal Assent shall have been given on or before the 30th day of November 1903.

5. The corporation and council shall on completion of this purchase be let into possession or receipt of the rents or profits of the purchased property as from the date hereof up to which date all outgoings will be discharged by the company and after which date by the corporation and council the rents and outgoings being if necessary apportioned for this purpose and shall pay to the company interest at the rate of 5*l.* per cent. per annum upon the said sum of 5,000*l.* from the date hereof until the completion of the purchase unless the sanction of Parliament shall be refused to the provisions of the Bill confirming this agreement or unless this agreement shall be rescinded under clause 12 of this agreement in which case interest shall cease to be payable from the date of such refusal or rescission.

6. The company shall not hereafter except with the consent in writing of the corporation and council under the respective hands of the town clerk of the corporation and the clerk of the council contract enter into undertake or otherwise incur except in the ordinary course of business any debt or liability whatsoever.

7. The title of the company to the purchased property is hereby accepted by the corporation and council.

AND. 1901. 5 8. The corporation and council shall forthwith at their own expense promote a Bill in Parliament and use their best endeavours to procure the passing of such Bill into an Act for the purpose of authorising the company to sell and the corporation and council to purchase the company's undertaking upon the terms of these presents, and confirming these presents and such Bill shall contain all proper and usual provisions relative to the money payable by the corporation and the council to the company and its appropriation and to the winding-up of the company as the company shall desire to have inserted. And the company shall take such steps and do all such acts and things as the corporation and the council shall deem necessary or proper to procure or assist the passing of such Bill into an Act. And shall generally assist the corporation and the council to the best of their endeavour in the promotion of the said Bill and shall if so desired by the corporation and council and at their request but not otherwise except at the expense of the company take all steps which may be necessary to enable the company to be represented and heard at any stage of the proceedings in the promotion of the said Bill.

9. The corporation and the council shall pay the costs charges and expenses reasonably incurred by the company of and incident to this agreement and of or incident to any instrument or proceeding necessary for carrying this agreement into effect including any duty that may be payable or of and incident to the winding-up of the company or under the provisions of the last preceding clause.

10. If any difference arises between the parties hereto concerning the construction of this agreement or any matter arising out of this agreement such difference shall be referred to arbitration.

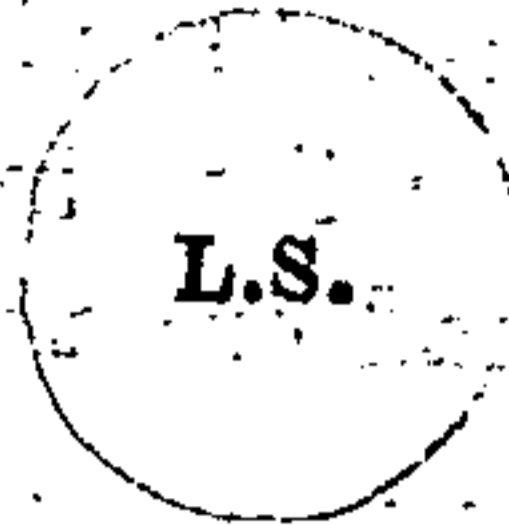
11. This agreement shall be subject to the approval of the shareholders of the company and a special general meeting of such shareholders shall be called forthwith for the purpose of obtaining such approval and also subject to the approval of the owners and ratepayers of Ilkeston and Heanor being given to the proposed Bill at the respective meetings of such owners and ratepayers to be held under the Borough Funds Act 1872.

12. These presents shall except as to clause 9 hereof and so much of clause 5 as provides for the payment of interest by the corporation and council to the company be void and of no effect if the same shall not be confirmed by Act of Parliament to be passed and receive the Royal Assent on or before the 30th day of November 1903 and are made subject to such alterations if any as Parliament may think fit to make therein provided that if any material alteration is so made it shall be competent to any party by notice in writing to the others to be given before the Act shall have received the Royal Assent to rescind the same in which case these presents shall be rescinded except as to clause 9 hereof and so much of clause 5 as provides for the payment of interest by the corporation and the council to the company. In witness whereof the respective common seals of the company the

corporation and the council were hereunto affixed the day and year first above written. A.D. 1901.

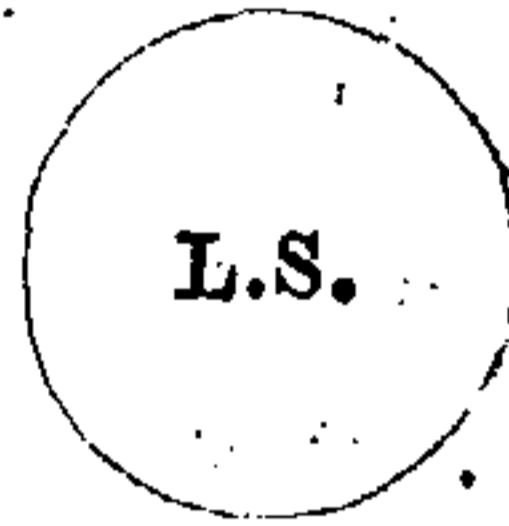
The common seal of the Meerbrook Sough Company was hereunto affixed in the presence of

CHARLES WRIGHT Director.  
FREDERIC C. ARKWRIGHT Chairman  
of the Meeting.  
GEO. MARSDEN Director.  
ROBERT HALL Secretary.



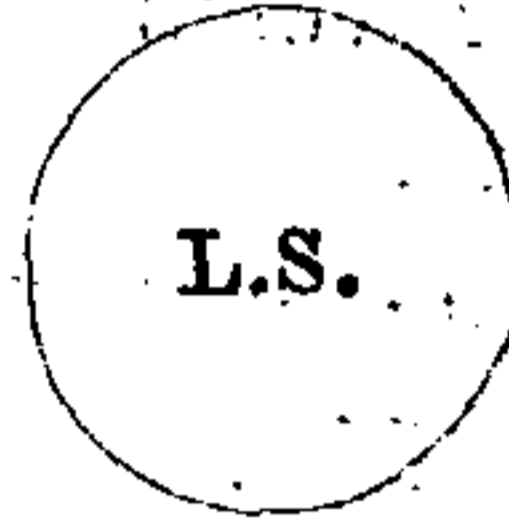
The common seal of the Ilkeston Corporation was hereunto affixed in the presence of

RICHARD HUNT Mayor.  
WRIGHT LISSETT Town Clerk.



The common seal of the Heanor Urban District Council was hereunto affixed in the presence of

JOHN K. FLETCHER Chairman.  
FREDERIC CATTLE Clerk.



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THE SECOND SCHEDULE.

FORM OF DEED OF TRANSFER OF THE MEERBROOK SOUGH COMPANY'S UNDERTAKING TO THE BOARD.

IN pursuance and subject to the provisions of the Ilkeston and Heanor Water Act 1901 and in consideration of *l.* the Meerbrook Sough Company hereby grant convey and assign their undertaking unto the Ilkeston and Heanor Water Board To hold the same unto them their successors and assigns -And the Ilkeston and Heanor Water Board do hereby accept the same accordingly.

In witness whereof the parties hereto have hereunto affixed their respective common seals this                      day of                      one thousand nine hundred and                      .

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THE THIRD SCHEDULE.

SECTIONS OF THE ACT OF 1841 SAVED FROM REPEAL.

102. And be it further enacted that in consideration of the great charges and expenses which the company must necessarily incur or sustain in carrying forward and maintaining the said sough level or water gate and other works it shall and may be lawful for the company and they are Power to levy tolls and duties.

A.D. 1901. hereby authorised from time to time and at all times hereafter to ask demand take recover or receive to and for the use and benefit of the company after payment thereof to Her Majesty or Her lessee or lessees of the accustomed tolls and duties and to the vicar of the parish of Wirksworth for the time being of the tithes payable to him one sixth part of all the lead ore and belland which at any time hereafter shall be got and raised at in and from any mine vein or rake within the said parish of Wirksworth which now is or which shall at any time hereafter be drained relieved or benefited by such sough level or water gate or by any branch or branches thereof and which shall be raised or got thereof or therefrom below the level of a certain other ancient sough level or water gate situate in the township of Wirksworth aforesaid called the "Hannage Sough" such said sixth part of the lead ore and belland shall be delivered when dressed and made merchantable by the respective owners or proprietors of the mines or veins from which the same shall have been raised or gotten to the company without any fraudulent concealment or wilful diminution and to be discharged and freed from all charges in getting and dressing.

Power to  
reduce rates.

103. And be it further enacted that it shall and may be lawful for the said directors whenever they shall think proper to lessen and reduce the quantity of ore to be taken from any mine vein or rake and afterwards from time to time again to raise advance and vary the same so as not at any time to exceed the amount herein-before set forth and authorised or directed to be delivered and collected.

Recovery of  
tolls &c.

104. And be it further enacted that the royalties rates duties or tolls hereby authorised to be taken shall be paid or rendered to such person or persons in such manner and under such regulations as the company shall from time to time direct or appoint and in case of refusal or neglect on demand to pay render or deliver such royalties rates duties or tolls as have accrued due to the company or to the respective persons appointed to receive the same as aforesaid the said company may and they are hereby authorised and empowered to sue for and recover the same or the value thereof with costs of suit in any of Her Majesty's Courts of Record or it shall be lawful for the company or any person appointed by them and they are hereby empowered to stop the loading and sending any ore or belland from off the mines veins or rakes in respect whereof or any part whereof such royalties dues duties or tolls shall have respectively accrued due and to enter upon seize and distrain any part of the ore or belland raised or gotten from such mines veins and rakes of lead ore or any of the horses carts wagons gins whimsies tackling ropes machinery or tools used in or about such mines veins and rakes of lead ore and to detain the same when so seized and distrained or any of them until payment or delivery of the said royalties tolls dues or duties together with reasonable charges for such seizure and distress and if such ore or belland horses carts wagons gins whimsies tackling machinery tools articles and effects shall not be redeemed within five days from the taking thereof the same shall be appraised and sold as the law directs in cases of distress for rent anything in this Act to the contrary thereof notwithstanding.



105. And be it further enacted that the owner or several owners of the said mines veins or rakes within the said parish of Wirksworth which shall be relieved drained or benefited by such sough level or water gate shall render and deliver to the said company or their agent at every measure or reckoning which shall be made at such mines veins or rakes a just and true account of all the ore that may be got or raised at such mines veins or rakes distinguishing such portion thereof as may be obtained above the level of the said Hannage Sough from that which may be obtained from below such level and that in case such owner or owners of the said mines veins or rakes shall refuse or neglect so to do or shall knowingly or wilfully diminish or conceal any ore so raised or gotten as aforesaid or shall render and deliver an unjust account such owner or owners shall for every such offence forfeit to the company any sum not exceeding the sum of five pounds and also double the value of the ore so diminished or concealed as aforesaid.

A.D. 1901.

Penalty on miners for not rendering a just account.

106. And for the better ascertaining from what part or level or parts or levels of such mines veins or rakes any ore may be raised or gotten and also for the purpose of better ascertaining what mines or veins may have been relieved or benefited by the aforesaid undertaking Be it enacted that it shall be lawful for the company by themselves their agents or workmen at all times hereafter to enter into and return from all or any of the mines veins or rakes within the parish of Wirksworth aforesaid and the shafts drifts or works thereof as they may think proper and for that purpose to make use of any gins whimsies tackling ropes machines apparatus or machinery belonging to such mines veins and rakes or the owners thereof and to view search dial and measure and use all other means for discovering what mines or veins shall be so relieved or benefited and from what part or parts level or levels of the mines veins or rakes the ore is or shall be from time to time raised or gotten.

Power to enter and inspect mines.

107. And be it enacted that if any person shall wilfully obstruct or hinder the company or any officer or servant of the company in entering into or returning from any of the said mines veins or rakes of ore or the shafts drifts or works thereof or in the making use of the gins whimsies tackling ropes apparatus or machinery belonging to the said mines veins or rakes of ore or to the owners thereof or shall otherwise obstruct or hinder the company or any such officer or servant in carrying into effect the objects and purposes of this Act such person or corporation shall for every such offence forfeit a sum not exceeding five pounds.

Penalty on persons wilfully obstructing the company in such inspection.

A.D. 1901.

## THE FOURTH SCHEDULE.

DISTRICTS (OUTSIDE ILKESTON AND HEANOR) THE LOCAL AUTHORITIES FOR WHICH HAVE THE RIGHT TO DEMAND A SUPPLY OF WATER FROM THE BOARD.

1. The urban district of Ripley.
2. The urban district of Heage.
3. The following parishes within the Belper Rural District:—
  - Denby.
  - Holbrook.
  - Horsley.
  - Horsley Woodhouse.
  - Kilbourne.
  - Mapperley.
  - Morley.
  - Smalley.
4. The following parishes within the Shardlow Rural District:—
  - Dale Abbey.
  - Kirk Hallam.
  - Stanley.
  - Stanton-by-Dale.
  - West Hallam.
5. The following parishes the affairs of which are temporarily administered by the Basford Rural District Council:—
  - Codnor Park.
  - Shipley.

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