



CHAPTER lvii.

An Act to constitute and incorporate a Joint Water Board for the urban districts of Aspatria and Holme Cultram in the county of Cumberland and to authorise such Joint Water Board to construct works and to supply water to those and adjacent districts and for other purposes. A.D. 1901.
[2nd July 1901.]

WHEREAS the Urban District Council of Aspatria (in this Act called the Aspatria Council) and the Urban District Council of Holme Cultram (in this Act called the Holme Cultram Council) have agreed that it would be mutually advantageous that a Joint Water Board should be constituted as provided by this Act:

And whereas the urban districts of Aspatria and Holme Cultram and the parishes of Westnewton Blennerhassett and Kirkland Allhallows Allonby Blencogo Bromfield Dundraw Hayton and Mealo and Langrigg and Mealrigg in the rural district of Wigton in the county of Cumberland are without a pure and sufficient supply of water:

And whereas it is expedient that a Joint Water Board should be incorporated and constituted as provided by this Act to construct the works and take the waters by this Act authorised and supply water within the districts and parishes aforesaid and exercise the powers in this Act contained:

And whereas it is expedient that the Joint Water Board should be empowered to borrow moneys for the construction of the works by this Act authorised and otherwise for the purposes of this Act and of the undertaking by this Act authorised:

And whereas estimates have been prepared by the aforesaid district councils for the purchase of land for and the execution of the various works by this Act authorised and such estimates amount to thirty-five thousand pounds:

[Ch. lvii.] *Aspatia Silloth and District Water* [1 EDW. 7.]
Act, 1901.

A.D. 1901. And whereas the several works included in such estimates respectively are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books 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 Cumberland and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas an absolute majority of the whole number of the councils of the respective urban districts of Aspatia and Holme Cultram at meetings of those respective bodies held on the eighth day of September and the twenty-sixth day of September one thousand nine hundred respectively after ten clear days' notice by public advertisement of such meetings respectively and of the purposes thereof in the West Cumberland Times and the Carlisle Journal being two local newspapers published or circulating in the said respective districts 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 of the councils were respectively published twice in the said West Cumberland Times and the said Carlisle Journal being two local newspapers published or circulating in the respective districts of the said councils and the resolutions 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 an absolute majority of the whole number of the said respective councils at further special meetings held in pursuance of similar notices on the ninth day of January and the fifteenth day of January one thousand nine hundred and one respectively 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 said respective urban districts by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

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

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) :—

A.D. 1901.

PART I.

PRELIMINARY.

1. This Act may be cited as the *Aspatia Silloth and District Water Act 1901.* Short title.

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

Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847 ;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof Provided that the provisions of the last-mentioned Act shall apply only to the reservoirs by this Act authorised and that in construing such provisions for the purposes of this Act the expressions “the railway” and “the centre of the railway” shall respectively mean the reservoirs by this Act authorised and the top water contour thereof :

(3) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

(4) The provisions of the Commissioners Clauses Act 1847—

With respect to the meetings and other proceedings of the Commissioners and their liabilities (except sections 45 46 48 and 52) ;

With respect to the contracts to be entered into and the deeds to be executed by the Commissioners ;

With respect to the liabilities of the Commissioners and to legal proceedings by or against the Commissioners ;

A.D. 1901.

With respect to the appointment and accountability of the officers of the Commissioners ;
With respect to the making of bye-laws ;
With respect to giving notices and orders ;
With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices ; and
With respect to access to the special Act.

Interpretation.

3. The several words and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the provisions of the Commissioners Clauses Act 1847 incorporated with this Act for the purposes of this Act—

“The Commissioners” means the Board :

And in this Act unless the context otherwise requires—

“The Board” means the Aspatia Silloth and District Joint Water Board incorporated by this Act ;

“Constituent authority” or “constituent authorities” mean the Aspatia Council and the Holme Cultram Council or either of them as the case may be ;

“Contributing authority” or “contributing authorities” mean the Aspatia Council in respect of the whole of their district and the Holme Cultram Council in respect of Part I. (Silloth) of their district or either of them as the case may be ;

“Clerk” means the clerk to the Board ;

“The water undertaking” means the waterworks and the works connected therewith authorised to be constructed by this Act ;

“The water revenue” means all moneys payable to the Board in respect of a supply of water and all other revenues accruing to the Board ;

“The district funds” and “general district rates” mean respectively the several district funds and general district rates levied in the urban district of Aspatia and levied in Part I. (Silloth) of the urban district of Holme Cultram ;

“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

transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Board or of any constituent authority. A.D. 1901.

4. The limits of this Act for the supply of water by the Board shall include the urban districts of Aspatria and Holme Cultram and the parishes of Westnewton Blennerhassett and Kirkland Allhallows Allonby Blencogo Bromfield Dundraw Hayton and Mealo and Langrigg and Mealrigg all in the county of Cumberland. Limits of supply.

PART II.

CONSTITUTION OF THE BOARD.

5. For the purpose of carrying this Act into execution there shall be a joint board of such 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 Aspatria Silloth and District Joint 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 and for the other purposes of this Act and with all other powers and privileges of a body corporate. Incorporation of Board.

6. The constitution of the Board shall be as follows:—

Four members to be appointed by the Aspatria Council;

Four members to be appointed by the Holme Cultram Council. Constitution of Board.

7.—(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 within six weeks from the passing of this Act 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 third Wednesday in the month of April one thousand nine hundred and five. Appointment of members.

(2) Each constituent authority shall at a meeting of their body held within twenty-eight days before the third Wednesday in the month of April one thousand nine hundred and five appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office till the third Wednesday in the

[Ch. Ivii.] *Aspatria Silloth and District Water* [1 Edw. 7.]
Act, 1901.

A.D. 1901. month of April one thousand nine hundred and eight and so on from time to time at the expiration of every successive period of three years.

Provisions on failure to appoint members.

8. 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 three years the then existing members of the Board representing such authority shall continue in office till their successors are appointed.

Qualification of members of Board.

9. 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.

Members to be disqualified on ceasing to be members of constituent authorities.

10. If a member of the Board appointed by either constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of the Board but such disqualification shall not apply if he goes out of office by reason of the expiration of the term for which he was elected a member of such constituent authority and is thereupon re-elected.

Occasional vacancies.

11. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority whom he represented may if they think fit at any time after the happening of such vacancy appoint a member of the Board in his place from amongst themselves 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.

Appointment of members to be certified to Board.

12. Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment has been made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk of the other constituent authority and on every subsequent appointment to the clerk of the Board.

Chairman and vice-chairman.

13. At their first meeting and subsequently at their annual meeting in each year the Board shall appoint someone qualified to be a member of the Wighton Rural District Council or qualified to be but not a member of either of the constituent authorities to

be chairman and one of their members to be vice-chairman of the Board for the ensuing year. A.D. 1901.

14. The first meeting of the Board shall be convened by the clerk of the Aspatria Council and shall be held at the council's offices in Aspatria on the third Friday in August one thousand nine hundred and one at four of the clock in the afternoon unless some other day or time shall be appointed for the purpose by the Local Government Board and then on such day and at such time as shall be so appointed. As to convening meetings.

15. The meetings of the Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the schedule to this Act. Meetings and proceedings of Board.

16.—(1) A minute of proceedings at a meeting of the Board or of a committee signed at the same or at the next ensuing meeting by the chairman of the meeting at which the minute is signed shall be received in evidence without further proof. Minutes of proceedings &c.

(2) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

17. A member of the Board shall not be interested either in his own name or in the name of any other person in any contract entered into or work done for the Board and shall not derive any profit or emolument whatsoever from the funds of the Board. This provision shall not extend to any interest which a member of the Board may have by reason of his being a shareholder of a company which has entered into any contract with or done any work for the Board but he shall not vote in respect of any such contract or work. Members not to be interested in contracts &c.

18. A member of the Board may resign his office by notifying in writing his intention so to do to the clerk of the Board for the time being. Resignation of member.

19. Any act of the Board or 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 Error failure &c. not to invalidate acts done &c.

A.D. 1901. 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.

Power to alter number of members.

20. On the application of either of the constituent authorities the Local Government Board may after enquiry and prior notice thereof to the other constituent authority by order increase the number or alter the 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.

Arbitration.

21. If at any time any difference arises between the Board and either of the constituent authorities respecting any matter arising out of the provisions of this Act the same shall be referred to and be settled by the Local Government Board or by an arbitrator appointed by them and the Local Government Board or arbitrator as the case may be shall have an absolute discretion both as to the matters in dispute or difference and as to the costs of such reference.

Application of Public Health Acts.

22. Subject to the provisions of this Act the Board may for the purposes of their water undertaking exercise all or any of the powers conferred upon a local authority by sections 51 54 64 and 176 of the Public Health Act 1875 and in the exercise of those powers and subject as aforesaid those provisions of that Act shall apply to the Board and their water undertaking in the same manner and to the same extent as they would have applied if such undertaking had been one of the purposes of that Act Provided that the provisions of the Public Health Act 1875 in regard to the borrowing of money and to the repayment thereof shall not apply to the borrowing of any money for the purposes of such undertaking or to the repayment thereof.

PART III.

NEW WORKS AND SUPPLY.

Power to make water-works.

23. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the waterworks and other works following All

of which waterworks and works will be situate in the county of Cumberland (that is to say):— A.D. 1901.

(1) A compensation reservoir (to be called "the Overwater Reservoir") to be formed by means of a dam or embankment at the north-east end of Overwater Lake across Overwater Beck at a point one hundred and ten yards or thereabouts measured in a north-easterly direction along such Beck from the occupation road leading from Water Bank Road to Stockdale Farm:

(2) A conduit or open cut commencing in Overwater Lake at a point one hundred and fifty yards or thereabouts measured along Overwater Beck and Lake from the said occupation road leading from Water Bank Road to Stockdale Farm and terminating in the River Ellen at a point seventy yards or thereabouts measured along such river in a northerly direction from the occupation road leading from Longlands to Chapel House:

(3) A conduit or open cut commencing in the River Ellen at a point one hundred and seventy yards or thereabouts measured along such river in a northerly direction from the ford in and the footbridge over such river in the road leading past Lowthwaite Farm and terminating by a junction with conduit No. 2 close to Overwater Beck in plantation numbered 318 on the $\frac{1}{2500}$ Ordnance map of the parish of Uldale (published in 1900 second edition):

(4) A reservoir (to be called "the Chapel House Reservoir") to be formed by means of a dam or embankment across the River Ellen at a point five yards or thereabouts measured along such river in a southerly direction from the road leading from Longlands to Chapel House:

(5) A diversion of the road leading from Longlands to Chapel House commencing at a point in such road seventy yards or thereabouts measured in an easterly direction from the centre of the said River Ellen where that river crosses the said road and terminating in such road at a point one hundred and twenty yards or thereabouts measured in a westerly direction from the same point of the said River Ellen:

The said Overwater Reservoir conduits numbers (2) and (3) Chapel House Reservoir and diversion of the road (5) will be situate in the parishes of Uldale and Ireby High:

(6) An aqueduct conduit or line of pipes commencing in the parish of Uldale in Chapel House Reservoir at a point forty

[Ch. lvii.] *Aspatria Silloth and District Water* [1 Edw. 7.]
Act, 1901.

A.D. 1901.

yards or thereabouts south of where the road leading from Longlands to Chapel House passes over the River Ellen and terminating in the parish of Holme Low in the urban district of Holme Cultram at the junction of Eden Street and Skiddaw Street Silloth :

(7) An aqueduct conduit or line of pipes commencing in the parish of Allhallows by a junction with the aqueduct conduit or line of pipes numbered 6 at the junction of the roads from Aspatria to Mealsgate and from Aspatria to Leegate near the National Schools Fletchertown and terminating in the parish of Blencogo in the high road in the village of Blencogo immediately opposite the blacksmith's shop in that village :

(8) A tank with inlet and outlet works wholly in the parish of Boltons to be constructed in a field numbered 537 on the $\frac{1}{2500}$ Ordnance map of that parish (published in 1900 second edition) :

(9) A tank with inlet and outlet works wholly in the parish of Aspatria to be constructed in a field numbered 440 on the $\frac{1}{2500}$ Ordnance map of that parish (published in 1900 second edition) :

Provided that the Board shall not take or appropriate nor interfere with any streams or surface waters which they may find on the line or lines of the conduits aqueducts or lines of pipes numbered (6) and (7) hereinbefore mentioned and authorised by this Act but shall so divert the same that they shall flow over or under such aqueducts conduits or lines of pipes as nearly as may be in the same course and at the same level as at present.

For protection of
Josephine
Mary Agnes
Gough.

24. For the protection of Josephine Mary Agnes Gough or other the owner or owners of the Whitefield Estate in the county of Cumberland (all of whom are included in the expression "the owner" when used in this section) the following provisions shall apply and have effect unless otherwise agreed between the owner and the Board :—

(1) The Board shall make good the drainage of the estate where interfered with by the works authorised by this Act and for that purpose shall lay a nine-inch diameter glazed earthenware socket pipe drain in fields forming part of the said estate and belonging or reputed to belong to the owner from the Overwater Reservoir to the Camp Field as shown on the plan signed by the Right Honourable Albert Earl of Morley the chairman of the Committee of the House of Lords to whom the Bill for

this Act was referred and deposited within one month after the passing of this Act in the Parliament Office of the House of Lords and herein referred to as "the signed plan" Such drain to be laid with all necessary and proper manholes and junctions and for the same purpose the Board shall lay down a conduit or open cut in the estate as shown on the signed plan :

A.D. 1901.

(2) The Board shall erect on a site to be determined by the owner on land belonging to her a boathouse dock and landing-stage of a design to be approved of by the owner and so that it be equally suitable for the varied level of the waters in Overwater Lake :

(3) The Board shall fill up so much of the bed of the river in the estate as will become disused in consequence of the construction of the works by this Act authorised and as is shown on the signed plan.

25. For the protection of the Maryport and Carlisle Railway Company (hereinafter in this section referred to as "the Maryport Company") the following provisions shall apply and have effect (that is to say) :—

For protection of Maryport and Carlisle Railway Company.

(a) Before constructing laying down or executing or renewing any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railways lands or property now belonging to the Maryport Company and before entering upon the said railways lands and property the Board shall give at least one month's notice in writing to the Maryport Company of their desire so to do :

(b) The aqueduct conduit or line of pipes shown on the deposited plans and thereon numbered 6 shall be diverted to the west side of the bridge carrying the high road over the railway of the Maryport Company at Mealsgate from a point four chains on the south side of the said bridge to a point six chains on the north side of the said bridge as shown on the plan signed on behalf of the Board by Messrs. Pickering and Crompton and on behalf of the Maryport Company by Joseph Cartmell and such aqueduct conduit or line of pipes shall be laid in cement concrete for a length of nine yards where it passes under the existing line of railway at Mealsgate and where the same aqueduct conduit or line of pipes crosses the Tunnel Arch Bridge of the railway of the Maryport Company at Aspatria it shall be laid in cement concrete for the length it

A.D. 1901.

crosses the arch the cover necessary to protect the pipe being obtained by forming a raised footpath over it :

- (c) In constructing laying down altering improving enlarging extending or renewing any such works as aforesaid upon across over under or in any way affecting the railways lands and property belonging to the Maryport Company or the bridges approaches viaducts stations or other works or any level crossings over the said railways the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Maryport Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of such engineer failing to signify his approval within twenty-eight days after the submission of such plans as aforesaid in such manner as shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either the Maryport Company or the Board Provided that nothing herein contained shall authorise the Board to occupy or use permanently with their works the surface of any land or property of the Maryport Company :
- (d) All such works shall be done by and at the expense of the Board who shall also restore and make good to the reasonable satisfaction of the engineer for the time being of the Maryport Company the roads over any bridges level crossings and approaches which the Maryport Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Board :
- (e) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railway or at any station thereon :
- (f) If any injury to such railways bridges level crossings approaches viaducts stations works lands or property of the Maryport Company or interruption to the passage or conduct of traffic shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes culverts or works in under or near to such railways bridges level crossings approaches viaducts stations works lands or property of the

Maryport Company the Board shall make compensation to the Maryport Company in respect thereof the amount of such compensation to be determined by arbitration in the manner hereinafter provided :

(g) The Maryport Company may at any time or times hereafter upon giving to the Board twenty-eight days' notice thereof in writing signed by their said engineer and delivered to the clerk to the Board divert or alter the level of any main pipe or conduit of the Company passing over or under such railways bridges level crossings approaches viaducts stations works lands or property of the Maryport Company when required for any repairs alterations or extensions of their railways bridges level crossings approaches viaducts stations works lands or property which they may think necessary Provided that the Maryport Company shall in diverting or altering the level of any such main pipe aqueduct or conduit do such work with all reasonable despatch and to the reasonable satisfaction of the engineer of the Board and provided the supply of water shall not be diverted from the existing main pipe aqueduct or conduit of the Board until the deviation thereof is completed by the Maryport Company :

(h) The Board shall not without the previous consent of the Maryport Company acquire any estate or interest in the lands and property of that company other than an easement or right of constructing or maintaining thereon the works by this Act authorised and the sum to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :

Provided that the granting of such easement shall not in any way prejudice the right of the Maryport Company to build on their property over any such aqueduct conduit or line of pipes but the Maryport Company shall if they so erect any building provide reasonable protection for and means of access to such aqueduct conduit or line of pipes so as to conveniently effect repairs when necessary and shall allow the Board to have access thereto at all times :

(i) Any dispute or difference which may arise between the Maryport Company and the Board with reference to the provisions of this section or in any way arising thereout or any works to be carried out in pursuance thereof shall be

A.D. 1901. . . . settled by an engineer to be appointed as arbitrator by the Board of Trade on the application of the Maryport Company or the Board.

For protec-
tion of North
British
Railway
Company.

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

(1) So much of the harbour and dock at Silloth including the dock offices and buildings cranes stationary engines fixed machinery and other apparatus and sidings used for dock or harbour purposes as is now rated to the general district rate at one fourth shall be similarly rated or assessed under the powers of this Act for water or any deficiency in the water revenue:

(2) The Board shall if and when required by the railway company be bound to supply the said harbour and dock including as aforesaid with water by measure at a price not exceeding the price which the Board charge other consumers of water for other than domestic purposes:

(3) The Board shall not in the construction maintenance or use of the aqueduct conduit or line of pipes described in subsection (6) of the section of this Act of which the marginal note is "Power to make waterworks" injure or interfere with the structure of the bridge carrying the public road across the Carlisle and Silloth branch of the railway company immediately to the east of Silloth station and shall not cause any interruption to the traffic on that branch:

(4) Not less than twenty-one days before commencing any works upon or over the said bridge the Board shall submit plans and sections of their intended works to the principal engineer of the railway company for his reasonable approval. If the said engineer does not within fourteen days after such submission signify in writing his disapproval of such plans and sections he shall be deemed to have approved thereof and if within the said period of fourteen days the said engineer signifies in writing his disapproval of such plans and sections or makes any requirements in relation thereto to which the Board are unable to agree such plans and sections shall be settled by arbitration in manner hereinafter provided:

(5) If any injury to or interference with the said bridge or any interruption to the traffic on the said branch shall arise or be

occasioned at any time by the works of the Board the Board shall forthwith make good or remove such injury or interference or interruption at their own expense or the railway company may do the necessary work for that purpose at the expense of the Board and the Board shall repay to the railway company all reasonable costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury or interference or interruption: A.D. 1901.

(6) If any difference shall arise between the Board and the railway company under this section the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

27. 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 mains pipes conduits culverts sluices byewashes shafts wells bores water towers overflows waste water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the works authorised by this Act or any or either of them or necessary for inspecting maintaining repairing cleansing managing working or using the same 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. Power to make subsidiary works.

28. In the construction of the works authorised by this Act the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding five feet upwards and ten feet downwards. Limits of deviation.

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

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

A.D. 1901.

Power to
take lands
and waters.

29. Subject to the provisions of this Act the Board may enter on take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act and they may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of Overwater Lake Overwater Beck and the River Ellen and all such rivers springs streams and waters as will or may be intercepted by the works by this Act authorised or as may be found in or under any lands for the time being belonging to the Board.

As to com-
pensation
water.

30. As full compensation for all water to be diverted taken used collected impounded and appropriated under the powers of this Act and before the Board shall be entitled to take the same or any part thereof the following provisions shall have effect (that is to say):—

- (1) The Board shall deliver at a point in the River Ellen situate not more than eighty yards below the top water level of the embankment of the said Chapel House Reservoir a regular equal and continuous flow of not less than four hundred and forty thousand gallons a day of twenty-four hours so long as the Board draw their supply from the River Ellen out of Chapel House Reservoir :
- (2) Before the Board commence to take any waters under the powers of this Act they shall construct and for ever after maintain suitable measuring gauges over or through which the said quantity of compensation water shall flow :
- (3) Such gauges shall be open to the inspection and examination of all persons interested in the waters :
- (4) In case of any neglect on the part of the Board to maintain any such gauges in a state of efficiency or in case of any other neglect by or in consequence of which the quantity of compensation water aforesaid shall not so flow the Board shall for every day on which such neglect occurs forfeit and pay to the occupiers of each of the mills and works injuriously affected thereby who may sue for and recover the same the sum of two pounds and shall in addition make compensation for any loss damage or injury sustained by such occupiers or any of them Provided that in case of any mill or other work so injuriously affected being in the occupation of several persons no greater penalty than two pounds per day shall be

payable by the Board in respect of that mill or other work and
the failure to supply compensation water thereto: A.D. 1901.

(5) If any difference arise between the Board and the parties so interested as aforesaid as to any of the provisions of this section the same shall be determined by a hydraulic engineer to be agreed on between the parties in difference and in default of agreement by a hydraulic engineer to be nominated on the application of either party after seven days' notice in writing to the other by the President for the time being of the Incorporated Society of Municipal and County Engineers and the costs of the reference shall be in the discretion of the arbitrator:

(6) Any moneys costs charges and expenses to be paid by the Board in pursuance of this section shall be deemed to be expenses necessarily incurred in carrying this Act into execution.

31.—(1) The Board shall if and when required by the Board of Trade make and shall thereafter maintain in an efficient condition to the satisfaction of the Board of Trade a fish-pass or fish-passes in or near or in connection with the dams or embankments (1) across the River Ellen in connection with the Chapel House Reservoir and (2) across the outlet of the stream known as the Overwater Beck from Overwater Lake authorised by this Act for the purpose of facilitating the passage of salmon over the same. Such fish-pass or fish-passes so to be made and maintained shall be of such form and dimensions and in such positions as the Board of Trade approve and as in their opinion will allow the free passage of salmon into and out of the said reservoir and lake and if the Board fail after being so required to make such fish-pass or fish-passes or if at any time they fail to maintain such fish-pass or fish-passes in accordance with this section they shall on conviction be liable to a penalty not exceeding twenty pounds for every offence and a further penalty not exceeding two pounds for every day during which the offence is continued commencing from the date of the first conviction and it shall be lawful for the Board of Trade to cause to be done any work by this section required to be done by the Board and to recover the expenses of doing the same in a summary manner from the Board.

Board to
provide
fish-pass.

(2) The measuring gauges referred to in subsection 2 of the section of this Act of which the marginal note is "As to compensation water" shall be open to the inspection and examination of

A.D. 1901. any officer of the Board of Trade duly authorised or of any person appointed by the Board of Trade for the purpose.

(3) In case of any neglect on the part of the Board to maintain any such gauges in a state of efficiency or in case of any other neglect by or in consequence of which the quantity of compensation water referred to in subsection 1 of the section of this Act of which the marginal note is "As to compensation water" shall not so flow the Board shall for every day on which such neglect occurs forfeit and pay to such board of conservators as may hereafter be constituted for or have jurisdiction under the Salmon and Freshwater Fisheries Acts 1861 to 1892 over the River Ellen or its tributaries who may sue for and recover the same the sum of ten pounds and shall in addition make compensation for any loss damage or injury sustained by such board of conservators.

(4) Any moneys costs charges and expenses to be paid by the Board in pursuance of this section shall be deemed to be expenses necessarily incurred in carrying this Act into execution.

Temporary discharge of water into streams.

32. For the purpose of constructing or repairing any works by this Act authorised sinking any well or shaft executing any necessary work of repair or of emptying cleansing or examining any reservoir aqueduct conduit or catchwater line or lines of pipes service tank or other work the Board may cause the water in any such well or shaft reservoir aqueduct conduit or catchwater line or lines of pipes service tank or other work to be temporarily diverted into any available stream or watercourse.

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

On completion of road diversion site of existing road to vest in Board.

33. Upon the completion of any road diversion by this Act authorised the Board may stop up and extinguish all rights of way over the portion of the existing road and footpaths (if any) in respect of which such diversion shall have been made and may appropriate to and for their own use and as their own property the site of so much of such road or footpaths so stopped up as shall be upon or adjoin on both sides any lands acquired by the Board for the purposes of this Act. Provided that the Board shall not stop up any such road or footpaths until they shall have

provided a temporary substituted road or footpaths during the construction of the road diversion. A.D. 1901.

34. The Board on selling any lands acquired by them in connection with their water 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. Reservation of water rights &c. on sale.

35. Until the works authorised by this Act are constructed the water supplied by the Board need not be constantly laid on under pressure nor need the water at any time be laid on under pressure greater than that to be afforded by gravitation from the Chapel House Reservoir or the several break pressure tanks authorised by this Act. Limit of pressure.

36. The powers of the Board for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

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

38. The Board may for any of the purposes of their water undertaking purchase by agreement any lands not exceeding five acres but the Board shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for 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 water undertaking. Power to take additional lands by agreement.

39. The Board may in lieu of acquiring any lands for the purpose of any aqueducts conduits or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the aqueducts conduits or lines of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those Power to acquire easements only for aqueducts conduits or lines of pipes.

A.D. 1901. 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 :

Provided that as regards any lands taken or used by the Board for the purpose of laying or constructing aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid or constructed underground the Board shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Board. Provided also that nothing herein contained shall authorise the Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Power to take easements &c. by agreement.

40. 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.

Restriction on taking houses of labouring class.

41. 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.

If the Board acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions : 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.

A.D. 1901.

For the purposes of this section—

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;

The expression “house” means any house or part of a house occupied as a separate dwelling.

42. The Board may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities postal or otherwise in any rural district in connection with the works authorised by this Act and any expense incurred by the Board under such undertaking may be defrayed out of any funds or revenue of the Board.

Provision as to temporary post or telegraph office.

43. Each of the contributing authorities shall be entitled to the water obtained by the Board under this Act according to the following scale:—

Apportionment of water.

In Aspatria two hundred and seventy thousand gallons per day;

In Part I. (Silloth) of Holme Cultram three hundred and thirty thousand gallons per day;

(in this Act called “the statutory proportions”):

Any water supplied by the Board within the area of each of the contributing authorities in excess of the statutory proportions shall be charged to such contributing authority at the following rates for every thousand gallons (that is to say):—

If within the area of the Aspatria Council at the rate of two pence halfpenny;

If within Part I. (Silloth) of the area of the Holme Cultram Council at the rate of three pence.

44. The Board shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic

Rates for supply of water for domestic purposes.

A.D. 1901. purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say) :—

Where the gross rateable value of the premises so supplied with water does not exceed five pounds the sum of two pence per week ;

Where such rateable value exceeds five pounds and does not exceed eight pounds the sum of three pence per week ;

Where such rateable value exceeds eight pounds and does not exceed twelve pounds the sum of five pence per week ;

Where such rateable value exceeds twelve pounds and does not exceed eighteen pounds the sum of seven pence per week ;

Where such rateable value exceeds eighteen pounds and does not exceed twenty-four pounds the sum of eight pence per week ;

Where such rateable value exceeds twenty-four pounds and does not exceed forty pounds the sum of one pound and nineteen shillings per annum ;

Where such rateable value exceeds forty pounds the charge shall be at the rate of five per cent. per annum on such value.

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.

Rates for
waterclosets
and baths.

45. In addition to the foregoing charges the Board 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 this Act 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 ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Board 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.

Board not
to be com-
pelled to

46. The Board 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 Board 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 Board to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

supply
certain
closets or
baths.

47. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rate payable
by owners
for small
houses.

48. The Board shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to
houses partly
used for
trade &c.

49. The Board 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.

Board not
bound to
supply several
houses by one
pipe.

50. A notice to the Board from a consumer for the discontinuance of a supply of water 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 Board.

Notice of
discontinu-
ance.

51.—(1) The Board may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

Byelaws for
preventing
waste &c. of
water.

(2) Such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are

A.D. 1901. prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Board in the same manner as water rates in respect of the premises are recoverable.

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

52. The Board shall supply water by measure or otherwise for other than domestic purposes and may supply water by measure for domestic 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. Provided also that the price to be charged for a supply by measure shall not exceed one shilling and six pence per thousand gallons.

Power to sell or let meters.

53. The Board may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend so as to authorise the Board to let for hire any water fittings to any person supplied by them with water.

Notice to Board of connecting or disconnecting meters.

54. Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than forty-eight hours' notice in writing to the Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the due superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

55. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other

instrument for measuring water or any fittings belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a fine not exceeding five pounds and the Board may in addition thereto recover the amount of any damage sustained by them :

A.D. 1901.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Board or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Board the Board may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument for measuring water of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them in the same manner as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

56. The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same.

Power to supply materials.

57. The Board may on the application of the owner or occupier of any premises within the limits of this Act for the supply of water

Power to lay pipes in streets not

[Ch. lvii.] *Aspatria Silloth and District Water* [1 EDW. 7.]
Act, 1901.

A.D. 1901.

dedicated to
public use.

abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Contracts for
supplying
water in
bulk.

58. The Board may enter into and carry into effect agreements with any local authority company or persons for the supply of water within and beyond the limits of this Act to any such authority company or persons 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 (if any) beyond the limits of this Act shall not be given except with the consent of the company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of the district nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of this Act.

Rebates on
water
charges.

59. The Board may allow discounts or rebates to consumers of water in consideration of prompt payment or of large consumption upon such scale and subject to such conditions and regulations as may be defined in any resolution to be passed by three fourths of the members of the Board present at a meeting called specially for that purpose. Provided that any such discount or rebate shall in no case exceed fifteen per centum and shall be allowed equally to all consumers in like circumstances. Provided also that notice of the effect of this enactment shall be endorsed on every demand note for water rent. And provided also that no reduction except as aforesaid shall be made in the rate charged at any time by the Board for water for domestic supply until the Board shall have repaid to the contributing authorities all sums due to them for making good any deficiency in revenue except by an unanimous resolution of the Board at a meeting specially called for that purpose.

For pro-
tection of
Lord
Leconfield.

60. Notwithstanding anything contained in this Act it shall be lawful for Charles Henry Baron Leconfield his sequels in estate and his and their lessees and tenants to exercise all such rights as the said Charles Henry Baron Leconfield now possesses of working winning and dressing mines and minerals and of using the water of springs and streams within the Manors of Uldale Bolton Caldbeck and Aspatria and Barony of Wigton for those and other purposes and of depositing spoil and of constructing roads tramways and other ways within the Manors and Barony aforesaid.

PART IV.

A.D. 1901.

FINANCIAL PROVISIONS.

61.—(1) The Board may from time to time borrow at interest money for the following purposes (that is to say):— Power to borrow.

(a) For the purchase of land and the construction of the works by this Act authorised any sum not exceeding thirty-five thousand pounds;

(b) For the purpose of providing working capital such sum as may be required not exceeding three thousand pounds;

(c) For paying the costs 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 sums as the Board may require for any of the purposes of this Act or otherwise in relation to their water 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 water undertaking and the water revenue and all rates and moneys which they are authorised to levy raise or collect or cause to be levied raised or collected within the respective districts of the contributing authorities.

62. 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 and the water revenue and all rates and moneys which they are authorised to levy raise or collect or cause to be levied raised or collected shall be deemed to be the local rate as defined by the said Act. Provided that the provisions contained in the sections of this Act whereof the marginal notes are "Sinking fund" and "Annual return to Local Government Board" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. Mode of raising money.

63. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act as to mortgages to apply.

64. 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):— Periods for repayment of money borrowed.

As to moneys borrowed for the purpose (a) mentioned in the section of this Act the marginal note whereof is "Power to

A.D. 1901.

borrow" within sixty years from the date or dates of the borrowing of the same;

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

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

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

Mode of
payment off
of money
borrowed.

65. The Board shall pay off all moneys borrowed by them on mortgage 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 one of these methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the time of borrowing the sum in respect of which the payment is made.

Sinking
fund.

66.—(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—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the money for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter 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 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 hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest of the investments of that sinking fund shall unless applied in repayment of the loan in 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 sinking fund may be applied by the Board towards the equal annual payments to that fund. A.D. 1901.

(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 or part thereof 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 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 annual payments to the fund are based any such excess may be applied towards such 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 any 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 always 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 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 moneys 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 moneys 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 the loan in respect of which it is formed within the prescribed period the Board may with the consent of the Local Government Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys 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.

Protection
of lender
from inquiry.

67. A person lending money to the Board under this Act shall not be bound to enquire 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 nonapplication of the money lent or of any part thereof.

Board not
to regard
trusts.

68. 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 stock or mortgages of the Board shall be 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment
of receiver.

69. The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or principal or of

principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

A.D. 1901.

70. If the Board pay off any moneys 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 moneys received on capital account not being borrowed moneys they may reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys 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 reborrowing.

Power to reborrow.

71. The powers of borrowing money given to the Board by this Act 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 each constituent authority may borrow under that Act any sums which they are liable for under this Act shall not be reckoned.

Certain regulations of Public Health Act not to apply.

72. 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 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 may issue stock.

73.—(1) The clerk of the Board 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 of such clerk showing for the year next preceding the making of such return or for such other period as that Board may prescribe the

Annual return to Local Government Board.

A.D. 1901.

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.

(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.

Application
of borrowed
moneys.

74. All moneys borrowed by the Board under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application
of moneys
from sale &c.
of land.

75. The proceeds of the sale of any surplus lands of the Board and all moneys received by them by way of fine or premium on any lease and other receipts in the nature of capital other than borrowed moneys shall be distinguished as capital in the accounts of the Board and shall be applied in discharge of moneys borrowed by the Board but shall not be applied in the payment of instalments or payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

76. The provisions of section 58 of the Local Government Act A.D. 1901.
1894 shall apply to the accounts of the Board and of their com-
mittees and officers and to the audit thereof. Provided that the Audit.
accounts of the Board shall be made up yearly to the thirty-first
day of March in each year.

77. The expenditure of the Board in the construction of the Apportion-
works by this Act authorised and all other expenditure of the ment of
Board except as in this section mentioned including the annual expenditure
payments in respect of principal and interest and sinking fund of Board.
shall be borne by the contributing authorities in the ratio of their
statutory proportions. Provided that all expenditure including the
cost of all mains pipes apparatus and works laid provided and
executed for the supply of water in the area of either contributing
authority shall be borne by the contributing authority for whose
use or benefit such expenditure is incurred.

78.—(1) The Board shall in each year ascertain and determine Provisions as
the amount of money required by them for all expenditure other to payment
than capital expenditure and shall after deducting the estimated of deficiency
water revenue apportion the deficiency between the contributing in water
authorities in accordance with the provisions of the section of this revenue.
Act of which the marginal note is "Apportionment of expenditure
of Board."

(2) The Board shall issue precepts to the Aspatria Council for
the amount so proportioned to them and for any amount to be
received from them in accordance with the provisions of the
section of this Act of which the marginal note is "Apportionment
of water" and to the Holme Cultram Council for the amount so
apportioned to Part I. (Silloth) of the urban district of Holme
Cultram and for any amount to be received from them in accord-
ance with the provisions of the section of this Act of which the
marginal note is "Apportionment of water" and the constituent
authorities shall within two months from the receipt of such precepts
pay to the Board the amount so apportioned to them respectively.

(3) Such amounts respectively shall be paid by the constituent
authorities as follows. By the Aspatria Council out of their district
funds and general district rates or other rates applicable for
defraying such payments and by the Holme Cultram Council out
of the district funds and general district rates or other rates
applicable for defraying such payments leviable by them in Part I.
(Silloth) of the urban district of Holme Cultram which respective

A.D. 1901. 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 and precept that may be necessary for the purposes aforesaid.

(4) If either constituent authority fail to pay any amount referred to in any precept of the Board addressed to them 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 five pounds 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 the like manner and with the like powers and authorities as the general district rate or other rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so 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.

(5) Any receiver appointed under this Act shall be entitled to receive the amounts referred to in any precept of the Board to the constituent authorities and in case the Board at any time neglect or refuse to make such precepts or to recover the same or any part thereof the receiver shall in every such case be entitled to make such precepts and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts referred to in such precepts.

79. The Board shall apply the water revenue in the following order:—

A.D. 1901.
Application
of water
revenue.

(1) In payment of the working and establishment expenses and costs of maintenance of the water undertaking and the costs of collection and recovery of water rents and charges:

(2) In payment of the interest on moneys borrowed by the Board:

(3) In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Board:

(4) In repayment to the contributing authorities of the amounts paid by them to make good any deficiency in revenue which may have theretofore been met by such authorities with compound interest at three pounds per centum per annum with yearly rests:

(5) In providing a reserve fund if they think fit by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Board and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds and so from time to time as often as such reduction happens:

(Lastly) The surplus (if any) including the interest on the reserve fund when such fund amounts to one thousand pounds shall be applied in reduction of the charge for water when and as circumstances shall permit the same to be done.

The amount from time to time paid to the contributing authorities on account of the amounts found by them to make good deficiency in revenue shall be apportioned between the contributing authorities in the same proportions in which such amounts were originally found by them and shall be paid to the contributing authorities respectively and by them carried to the credit of their respective general district funds and district rates or other rates out of which the amounts were originally raised.

A.D. 1901.

PART V.

MISCELLANEOUS.

Authentica-
tion and
service of
notices.

80.—(1) In the case of any notice or demand under this Act requiring 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 and other documents 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 order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Inquiries
by Local
Government
Board.

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

Several sums
in one
summons.

82. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Liability to
water rate
not to
disqualify
justices &c.
from acting.

83. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of either of the constituent authorities or liable to any rate.

As to
prosecutions
for offences
and recovery
of penalties.

84. All offences and penalties under this Act may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

85. All costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act or otherwise in relation thereto including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolutions of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall in the first instance be paid by the contributing authorities out of any of their funds or rates in the ratio of their statutory proportions but shall be repaid to the contributing authorities by the Board out of the moneys to be borrowed by them under the powers of this Act.

A.D. 1901.
Costs of Act.

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

MEETINGS AND PROCEEDINGS OF BOARD.

Meetings of Board.

1. The annual and other meetings of the Board shall be held on such days and at such times and at such places as the Board may from time to time appoint.

Summoning meetings.

2. The chairman may at any time call a meeting. If the chairman refuse to call a meeting after a requisition for that purpose signed by two members of the Board has been presented to him the clerk shall on the requisition of any two members of the Board forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting the clerk shall on the requisition of any two members of the Board on the expiration of those seven days call a meeting.

Notice of meetings.

3. Three clear days at least before any meeting of the Board a summons to attend the meeting signed by the clerk shall be left or delivered by post at the usual place of abode of every member of the Board. Want of service of the summons on any member of the Board shall not affect the validity of a meeting.

Quorum.

4. To constitute a meeting of the Board there must be at least three members present.

Chairman of meetings.

5. The chairman of the Board or in his absence the vice-chairman of the Board shall be chairman at every meeting. If neither of them is present at the time appointed for the meeting the members then present shall choose another of the members to be chairman of that meeting.

Decision of questions at meetings.

6. All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act except as in this Act otherwise provided. In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

7. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders for proceedings.

8. Subject to the foregoing provisions of this schedule the Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.