



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xii.

An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct an additional Reservoir and other Works; and for other Purposes. [15th *May* 1860.]

WHEREAS by "The *Liverpool* Corporation Waterworks Act, 1847," the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called "the Corporation") were empowered to supply with Water the Borough of *Liverpool* and other Places, and for such Purpose were empowered, *inter alia*, to construct and maintain Reservoirs, known as the *Roddlesworth* Reservoir and the *Rake* Reservoir, and Works in connexion therewith, for the Purpose of impounding the Waters of the River *Roddlesworth* and its Tributaries, and other Waters in that Act mentioned, and to take and use and apply those Waters to the Purposes of that Act: And whereas the Corporation were by that Act required to send down the River *Roddlesworth*, and into any Reservoir of the *Brinscall Hall* Print Works, and into any Reservoir of the *White Coppice* Weaving Mill, the respective Quantities of Water in the said Act mentioned: And whereas the Reservoirs constructed by the Corporation under the Provisions of the recited Act

[*Local.*] *M m* are

10 & 11 Vict.
c. clxi.

The Liverpool Corporation Waterworks Act, 1860.

are not of sufficient Capacity to impound the whole of the Waters of the River *Roddlesworth* and its Tributaries, and in Times of extreme Drought the Corporation may be unable to send down the River *Roddlesworth* and into the *Brinscall Hall* Reservoir and the *White Coppice* Reservoir aforesaid the respective Quantities of Water in the said Act mentioned, and it is expedient that the Corporation be empowered to construct an additional Reservoir and Works for more effectually impounding the Waters of the said River *Roddlesworth* and its Tributaries: And whereas by the recited Act the Corporation were empowered to demand and receive Rates or Rents for the Supply of Water for domestic Purposes within the District which they are authorized to supply with Water, but those Rates and Rents have been found to be unequal and unjust in their Operation, and it is expedient that they should be revised: And whereas it is expedient that the Corporation should be empowered to raise a further Sum of Money for the Purposes of their Waterworks Undertaking, and to convert all or any Part of their existing or future Debt incurred for those Purposes into a perpetual Stock bearing a fixed Rate of Interest: And whereas it is expedient that some of the Powers and Provisions of the recited Act, and also of "The *Liverpool Corporation Waterworks (Amendment) Act, 1850*," "The *Liverpool Corporation Waterworks (Deviations) Act, 1852*," and "The *Liverpool Corporation Waterworks Act, 1855*," should be amended and enlarged: 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. I. This Act may be cited for any Purpose as "The *Liverpool Corporation Waterworks Act, 1860*."

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated. II. "The *Lands Clauses Consolidation Act, 1845*," and "The *Waterworks Clauses Act, 1847*," so far as the same respectively are applicable to the Purposes of this Act, are incorporated with this Act.

Power to make Works according to deposited Plans, &c. III. And whereas Plans and Sections describing the Line, Levels, and Situation of the Works proposed to be executed under the Authority of this Act, and the Lands through or upon which the same are to be made, with a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Therefore, subject to the Provisions of this Act, and with and subject to such of the Powers and Provisions of the recited Acts, and of the Acts incorporated therewith, as are not by this Act altered or repealed, the Corporation may make and maintain the said Works in the Line or Situation, according to the Levels,

The Liverpool Corporation Waterworks Act, 1860.

Levels, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and for that Purpose may purchase, and may enter upon, take, and use, such of the said Lands as shall be necessary for that Purpose, or any Easement, Privilege, Power, or Authority in or over the same, and may by and in such Works collect and impound all or any of the Waters of the River *Roddlesworth* and its Tributaries, and may appropriate the same to the Purposes of the recited Acts; and the said new Works shall, for all Intents and Purposes, become and be Part of the Undertaking of the *Liverpool Corporation Waterworks*: Provided nevertheless, that nothing in this Act contained shall in any way alter, affect, or interfere with the Obligation imposed by the first-recited Act upon the Corporation to send down the said River *Roddlesworth*, and into the *Brinscall Hall* and *White Coppice* Reservoirs, or any or either of them, the respective Quantities of Water which by that Act they are required to send down and into the same, or in any way prejudice, affect, or interfere with any Rights, Powers, Privileges, or Remedies by that Act or otherwise granted for enforcing such Obligation or consequent upon the Non-performance thereof.

IV. Subject to the Provisions of this Act, the Corporation, in the Execution of the Works, may deviate laterally from the Lines thereof delineated on the deposited Plans to any Extent within the Limits of Deviation delineated on those Plans, and may also deviate from the Levels shown on the deposited Sections to any Extent as respects the Reservoirs not exceeding Three Feet, and as respects any other Works not exceeding Five Feet.

Limits of Deviation from Line and Levels.

V. The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Powers for compulsory Purchases limited.

VI. The Works by this Act authorized to be constructed shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Corporation for executing those Works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Period for Completion of Works.

VII. From and after the Day on which the Corporation shall, under the Provisions of this Act, fix the Rate or Rent to be paid for a Supply of Water for domestic Purposes for the Year commencing on the First Day of *January* next, Section One hundred and eleven of "The *Liverpool Corporation Waterworks Act, 1847*," prescribing the Rates to be demanded for a Supply of Water for domestic Purposes, and Section One hundred

Repealing Provisions of Act of 1847, fixing Rates for Supply of Water for domestic Purposes.

The Liverpool Corporation Waterworks Act, 1860.

hundred and twelve of that Act, shall be and the same are hereby repealed: Provided nevertheless, that the Corporation may recover all Sums then due and owing to them in respect of any Charges lawfully made under the repealed Sections, in the same Manner as they might have done if those Sections had not been repealed.

Rates at which Water shall be supplied for domestic Purposes.

VIII. From and after the Day mentioned in the last preceding Enactment the Corporation shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Corporation shall be laid, or of any Person who, under the Provisions of "The *Liverpool Corporation Waterworks Act, 1847,*" or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at Rates or Rents not exceeding the Rates or Rents by this Act authorized; and the Rates or Rents by this Act authorized shall, for the Purposes of any of the Acts relating to the *Liverpool Corporation Waterworks*, be in lieu and instead of the Rates for domestic Purposes by such Acts authorized to be levied and received by the Corporation, and may be recovered and shall be applied in like Manner.

Rents for domestic Supply.

IX. And whereas the *Liverpool Water Account* is made up and balanced to the Thirty-first Day of *December* in every Year: Therefore the Corporation, at a Meeting of the Council to be held as soon as conveniently may be after the Thirty-first Day of *December* in each Year, shall estimate and fix the Amount of Money necessary to be raised for the Purpose of defraying the Costs, Charges, and Expenses payable out of the *Liverpool Water Account* for the then current Year, including therein the Interest on Money borrowed, and every other Expense in any way incident to and legally chargeable upon and payable out of the *Liverpool Water Account*; and the Corporation shall at the same Time cause to be prepared an Estimate of the probable Receipts for the then current Year of the *Liverpool Water Account* from all Sources whatsoever other than in respect of the Supply of Water for domestic Purposes from the District within which by "The *Liverpool Corporation Waterworks Act, 1847,*" the Corporation are empowered to supply Water; and the Corporation shall fix the Rate or Rent to be paid for the then current Year in respect of the Supply of Water by them for domestic Purposes within such District at such uniform Percentage upon the annual Value of each Dwelling House or Part of a Dwelling House within such District, as in the Judgment of the Corporation will, together with the estimated Amount of Revenue from other Sources, be sufficient to meet the estimated Expenses payable out of the *Liverpool Water Account* for the then current Year; and in estimating

The Liverpool Corporation Waterworks Act, 1860.

estimating and fixing the Amount payable out of the *Liverpool Water Account* for the then current Year the Corporation shall take into account any Deficiency, or, as the Case may be, any Excess, which shall have arisen in respect of the Receipts and Expenditure of the then last preceding Year: Provided always, that the Rate or Rent to be charged for a Supply of Water for domestic Purposes within such District shall in no event exceed Six Pounds *per Centum* upon the annual Value of the Dwelling House or Part of a Dwelling House in respect of which such Rate or Rent is payable.

X. A Supply of Water for domestic Purposes as aforesaid shall include a Supply for all Waterclosets in each such Dwelling House or Part of a Dwelling House, and for Private Baths therein, if constructed in conformity with Section Seven of "The *Liverpool Corporation Waterworks (Deviations) Act, 1852*," but shall not include a Supply of Water for Railway Purposes, or for Baths, Washhouses, or public Purposes, or for Horses or Cattle, or for washing Carriages, where such Horses or Carriages are let for Hire, or are kept for Sale or at Livery, or are the Property of a Dealer, or Stage Coach Proprietor or Common Carrier, or for any ornamental Purpose, or for any Steam Engines, or for any Brewery, Warehouse, Store, Vault, Workshop, Mill, or Manufactory, or for Shipping, or for any Trade, Manufacture, or Business whatsoever.

Domestic Supply not to include Supply for Trade, &c.

XI. In order to provide against Accidents to Life or Property by the bursting of the Reservoir authorized to be made under the Provisions of this Act, or any other Reservoir of the Corporation, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Power for Justices to order Inquiry into State of Reservoir.

XII. If on any such Inquiry or View the Justices be satisfied that the Complaint is well founded, and that such Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint or Danger, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Corporation, and to lower the Water in such Reservoir, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices for immediate Repair.

[Local.]

N n

XIII. If

The Liverpool Corporation Waterworks Act, 1860.

Order of
Justices
after Sum-
mons on
Corporation
to repair
Reservoir.

XIII. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such an imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Corporation to answer the Complaint, and upon hearing the Parties, or upon Default of Appearance by the Corporation then in their Absence, the Justices shall, by Order in Writing under their Hands, order the Corporation, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the said Reservoir, and to do such Works and Things as they think requisite and proper for removing the Cause of Complaint or Danger.

Order of
Justices on
Failure of
Corporation
to obey
Orders.

XIV. If in any such Case the Corporation do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint or Danger, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Corporation, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Corporation, and to lower the Water in such Reservoir, and to do all such Works and Things specified in the Order, and not done by the Corporation, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of the Complaint or Danger,

Form of
Order.

XV. Any such Order of Justices may be in the Form or to the Effect following :

‘ To *A.B.*

‘ (*or A.B.*

of, &c.)

‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
‘ acting for the County Palatine of Lancaster, do hereby order and
‘ direct you, and such Person or Persons as you may require to aid and
‘ assist you therein, forthwith to lower the Water, &c. [*here specify the*
‘ *Work to which the Order applies*], and to do all such Acts and Things
‘ as are requisite to make good the same (and you shall do as little
‘ Injury as possible to the Property of the Corporation or other the
‘ Owners of the said Works); and in acting in obedience to the said
‘ Premises this shall be your sufficient Warrant.

‘ Given under our Hands, this

Day of

‘ in the Year of our Lord

Persons
acting under
Order of
Justices not
deemed
Trespassers.

XVI. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order,

The Liverpool Corporation Waterworks Act, 1860.

Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

XVII. If the Justices so think fit, they may by any such Order under this Act impose on the Corporation, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day's Default which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Justices may impose Penalty on Corporation for disobeying Order.

XVIII. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order, and also all or such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Corporation, to be paid by the Corporation, and every Amount so to be paid shall be paid by the Corporation to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Order of Justices on Corporation for Payment of Costs.

XIX. Provided always, That if the Corporation feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Corporation shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads; provided also, that pending any such Appeal, and except only so far (if at all) as on the Appeal it be quashed or altered, the Order appealed against shall be enforced.

Power to Corporation to appeal against Order.

XX. Provided also, That the Corporation shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable for any Diminution or Cessation of the Supply of Water, or any other Breach or Non-performance of their or any of their Duties, Liabilities, or Obligations under this Act or the Acts incorporated herewith, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act or the Acts incorporated herewith, or either of them, to the contrary notwithstanding.

Corporation not to be liable for Consequences of such Order.

XXI. No Meter, or any Instruments, Pipes, and Apparatus connected therewith, let by the Corporation for ascertaining the Quantity of Water consumed or supplied, shall be subject to Distress for Rent of the Premises where the same are used, or to be attached or taken in Execution

Protection of Meters of Corporation.

The Liverpool Corporation Waterworks Act, 1860.

Execution under any Process of any Court of Law or Equity, or any Fiat in Bankruptcy, or any other legal Proceeding against the Person in whose Possession the same may be.

Power to borrow Money.

XXII. The Corporation may from Time to Time borrow and take up at Interest on the Credit of "The *Liverpool Water Account*," of and from any Person who shall be willing to advance the same, in addition to the several Sums which the Corporation are by "The *Liverpool Corporation Waterworks Act, 1847*," "The *Liverpool Corporation Waterworks Amendment Act, 1850*," and "The *Chorley Waterworks Transfer Act, 1856*," or any or either of them, authorized to borrow and take up at Interest on the Credit of the said Account, such Sum or Sums of Money as they think fit, not exceeding Thirty thousand Pounds.

Power to re-borrow.

XXIII. In the event of any Part of the Money which the Corporation are by this Act authorized to borrow being repaid it shall be lawful for the Corporation to re-borrow the same.

Mortgages may be granted.

XXIV. For securing the Repayment of any Sum or Sums of Money borrowed under the Powers of this Act, with Interest, the Corporation may mortgage and assign over "The *Liverpool Water Account*," or any Part thereof, or any Moneys accruing, and by the existing Acts or this Act authorized or directed to be paid thereto, or any Part thereof, to the Person who shall advance such Money, or his Trustee.

Provisions of Acts 9 & 10 Vict. c. cxxvii. and 13 & 14 Vict. c. lxxx., as to Money borrowed upon Mortgage, to apply to Mortgages under this Act.

XXV. All the Provisions of the Act of the Ninth and Tenth *Victoria*, Chapter One hundred and twenty-seven, (Local and Personal,) intituled *An Act for the Improvement of the Sewerage and Drainage of the Borough of Liverpool, and for making further Provisions for the sanitary Regulation of the said Borough*, with regard to any Money to be raised and borrowed and charged upon and secured by Mortgage of the Water Rate by that Act authorized, and which are respectively contained in and comprised between the One hundred and eighty-fifth and the One hundred and ninety-sixth Sections of the same Act, both inclusive, and the Fifteenth and Sixteenth Sections of "The *Liverpool Corporation Waterworks (Amendment) Act, 1850*," shall be held and taken to apply to all Mortgages, Bonds, and Assignments under the Powers and Provisions of this Act, as fully as if the same were herein repeated and re-enacted.

Power to create a perpetual

XXVI. The Corporation from Time to Time may resolve that any Portion of the then existing Mortgage Debt secured on the *Liverpool Water*

The Liverpool Corporation Waterworks Act, 1860.

Water Account may be converted and merged into a consolidated Fund, either by Agreement with the Holders of such Mortgages respectively before the same respectively become due, or by paying off the same respectively when due, and issuing Stock of a corresponding Amount, instead of re-borrowing the Sums so paid off, and also, with the like Consent of the Parties immediately and respectively interested, may resolve from Time to Time that the whole or any Part (to be defined in and by such Resolution) of the Moneys which the Corporation shall have Authority to raise by borrowing under the Powers of this or any of the Acts relating to their Waterworks, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Stock of corresponding Amount, instead of borrowing the same; and the Corporation may also attach to the Stock so authorized to be created and issued for any of the Purposes aforesaid such Conditions for the Redemption of the same, or for its Continuance in perpetuity at a Rate of Interest to be fixed at the Time the said Stock is created and issued, and in such Parcels or Amounts as may from Time to Time be deemed advisable by the Corporation; and the Stock so created and issued shall be a Charge upon the *Liverpool Water Account pari passu* with such Mortgages as have heretofore been issued or may hereafter be issued by the Corporation under the Powers of this or any other Act relating to their Waterworks authorizing the borrowing of Money; and the said Stock shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate: Provided also, that after the Conversion of any such Mortgage into Stock it shall be not lawful for the Corporation again to borrow the Sums so converted, but the Powers of the Corporation shall, to the Extent of the Sums so from Time to Time converted into Stock, be extinguished; and after such Conversion or Consolidation or other Subscription to such consolidated Stock to be created shall have taken place, the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Part of such Interest, in the same Manner and subject to such Regulations and Provisions as the Corporation may deem proper, and as the Mortgages of the Corporation might be transferred under the Provisions of any Act heretofore obtained by them; and the Corporation shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of their Interest therein respectively, to be entered in a Book to be kept for that Purpose, and to be called "The Register of Holders of *per Centum Liverpool Corporation Waterworks Consolidated Stock, redeemable in* , " or "irredeemable," as the Case may be.

Stock at a
fixed Rate
of Interest.

XXVII. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Corporation

Expenses of
Act.

[*Local.*]

O o

out

The Liverpool Corporation Waterworks Act, 1860.

out of any Moneys that may be in their Hands, or that they may hereafter receive on the *Liverpool Water Account*.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.