

ELIZABETH II



1965 CHAPTER xxxii

An Act to empower the mayor, aldermen and burgesses of the borough of Huddersfield to acquire lands, to construct works and to impound and abstract water; to provide for the making of agreements between the Minister of Transport and the Corporation with respect to the construction and use of works; and for other purposes. [5th August 1965]

WHEREAS—

(1) The borough of Huddersfield (in this Act called “the borough”) is a county borough under the management and local government of the mayor, aldermen and burgesses of the borough (in this Act called “the Corporation”):

(2) By virtue of divers enactments the Corporation are empowered and required to supply water to the inhabitants of the borough and of a considerable area in the neighbourhood thereof:

(3) The demand for water within the limits of supply of water by the Corporation is increasing and is likely further to increase:

(4) It is expedient to authorise the Corporation to impound and abstract water and for that purpose to construct the works described in this Act including a reservoir to be formed by means of an embankment or dam across the Scamonden Valley in the urban districts of Colne Valley and Ripponden:

c. 25. (5) The Minister of Transport in pursuance of his powers under the Highways Act, 1959, intends to construct a special road, a part of which is intended to cross the said Scammonden Valley by means of an embankment:

(6) It is expedient in the public interest that the said part of the said special road shall be constructed on the embankment which is to form part of the said reservoir:

(7) It is expedient that provision should be made for the making of agreements between the said Minister and the Corporation with respect to the construction and use of the said embankment and for other purposes:

(8) It is expedient that the other provisions contained in this Act be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

(10) Estimates have been prepared for the purpose hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by	
this Act 	£6,790,000

(11) The works included in such estimates are permanent works and it is expedient that so much of the cost thereof as will be borne by the Corporation should be spread over a number of years:

c. 51. (12) In relation to the promotion of the Bill for this Act, the requirements of Part XIII of the Local Government Act, 1933, have been observed:

(13) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of the West Riding of Yorkshire and with the town clerk of the borough, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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:—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Huddersfield Corporation Act 1965. Short and collective titles.

(2) The Huddersfield Corporation Acts, 1852 to 1956, and this Act may together be cited as the Huddersfield Corporation Acts, 1852 to 1965.

2. This Act is divided into Parts as follows:—

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks.

Part IV.—Abstraction of water.

Part V.—Road works.

Part VI.—Finance and miscellaneous.

3.—(1) The following enactments, so far as the same are applicable for the purposes of, and are not inconsistent with, the provisions of this Act, are hereby incorporated with this Act:— Incorporation of Acts.

(a) the Lands Clauses Acts (except sections 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845, and section 5 of the Lands Clauses Consolidation Acts Amendment Act, 1860): c. 18.
c. 106.

Provided that—

(i) the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section; and

(ii) the expression “ the promoters of the undertaking ” shall be construed to mean the Corporation;

(b) section 16 of the Railways Clauses Consolidation Act, 1845, and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof: c. 20.

Provided that—

(i) for the purposes of the said section and provisions of the Railways Clauses Consolidation Act, 1845, the expression “ the railway ” shall be construed to mean the works authorised by this Act, the expression “ the centre of the railway ” shall be construed

PART I
—cont.

to mean the centre line of the embankment or dam and the expression “ the company ” shall be construed to mean the Corporation;

(ii) any electrical works or apparatus constructed, erected, laid or maintained in pursuance of the said section (as incorporated with this Act) shall be so constructed, erected or laid and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

(2) The provisions of Schedule 3 specified in the first column of Schedule 1 to this Act shall, subject to the modifications specified in the second column of the said Schedule 1, apply to the undertaking and are hereby incorporated with this Act.

Interpretation.

4.—(1) In this Act, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

(2) In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

c. 51.

“ the Act of 1933 ” means the Local Government Act, 1933;

“ the borough ” means the county borough of Huddersfield;

“ the Corporation ” means the mayor, aldermen and burgesses of the borough;

“ the county council ” means the county council of the administrative county of the West Riding of Yorkshire;

“ day ” means a day of twenty-four hours reckoned from 9 o'clock in the morning;

“ the district council ” means the Colne Valley Urban District Council;

“ the embankment ” means the embankment or dam comprised in Work No. 1;

“ gauge ” includes a gauge, weir or other apparatus for measuring the flow of water;

c. 33.

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;

“ the Minister ” means the Minister of Transport;

“ the river authority ” means the Yorkshire Ouse and Hull River Authority;

“ the road works ” means so much of any special road as may be constructed or intended to be constructed on the embankment by the Corporation as agents for the Minister;

- “ Schedule 3 ” means Schedule 3 to the Water Act, 1945;
 “ the sewerage works ” means the sewage pipelines and sewage disposal works authorised by this Act;
 “ the stream ” means the stream or river known as Black Brook or Black Burne Brook flowing through Deanhead Clough;
 “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;
 “ the tribunal ” means the Lands Tribunal;
 “ the undertaking ” means the water undertaking of the Corporation as for the time being authorised;
 “ the waterworks ” means the waterworks authorised by this Act.

PART I
 —cont.
 c. 42.

c. 76.

(3) All distances and lengths stated in any description of works, intakes, gauges, powers or lands in this Act shall be construed as if the words “ or thereabouts ” were inserted after each such distance or length.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(5) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

PART II
 LANDS

5.—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the waterworks the sewerage works and the road works, or for the purposes of obtaining access thereto, obtaining materials for the construction thereof, preserving the purity of the waters which may be taken by the waterworks, or rehousing persons displaced under the provisions of this Act, or otherwise for the purposes of this Act.

Power to acquire lands.

(2) The powers of the Corporation for the compulsory acquisition of lands under this section shall cease after the expiration of three years from the 31st December, 1965.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the

Correction of errors in deposited plans and book of reference

PART II
—cont.

Corporation, after giving not less than ten days' notice to the owner lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If, on any such application, it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and copies thereof shall be deposited in the Private Bill Office, House of Commons, and with the clerk of the county council and with every clerk of a local authority, and chairman of a parish council or parish meeting, with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take or use the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Acquisition of
part only of
certain
properties.

7.—(1) No person shall be required under this Act to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden, unless the tribunal determines—

- (a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or
- (b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part, and thereupon the person interested shall be required to sell to the Corporation that part of the house, building, factory, park or garden.

8. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act, or in respect of any easement or right in or over any such land, but not less than three months after giving to the owner and occupier of the land notice in writing of their intention to exercise the powers of this section, the Corporation may enter on, and take possession of, the land, or such part thereof as is specified in the last-mentioned notice, or enter on the land in respect of which the easement or right is to be acquired (as the case may be), without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

PART II
—cont.

Power to expedite entry.

c. 18.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section, or for any easement or right acquired, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

9.—(1) Any person acting on behalf of the Corporation and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times, enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Corporation, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land.

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the subsoil:

Provided that no works authorised by this subsection shall be carried out unless notice of the intention to carry out the same has been included in the notice required under subsection (1) of this section.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Corporation compensation for the damage to be determined in case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

c. 33.

PART II
—cont.

Disregard of recent improvements and interests.

10. In determining any question of disputed compensation or purchase money in respect of land or easements or rights over or in land acquired under this Act, the tribunal shall not take into account—

- (a) any improvement or alteration made, or building erected, after 5th December, 1964; or
- (b) any interest in the land created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary and was made, erected or created with a view to obtaining, or increasing, the compensation or purchase money.

Extinction of private rights of way.

11.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

c. 33.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation, to be determined, in case of dispute, under, and in accordance with, the Land Compensation Act, 1961.

Power to acquire easements only.

12.—(1) The Corporation may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works authorised by this Act or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof; and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only over or in any land under this section—

- (a) they shall not be required or, except by agreement or during the execution of the said works, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire

the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house, and, if the tribunal does not so determine, the Corporation may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

13.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit, subject to the provisions of those Acts, grant to the Corporation any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest.

Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

14. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under this Act.

Provision of substituted sites.

15.—(1) The Corporation may enter into, and carry into effect agreements with any person, being the owner of, or interested in any land abutting on any portion either of the works authorised by this Act or of land which may be acquired under this Act, with respect to the sale by the Corporation to him of any land, including any part of a street, appropriated by the Corporation under this Act and not required for those works.

Agreements with adjoining owners.

(2) The Corporation may accept, as satisfaction for the whole or any part of the consideration for any such sale, the grant by the purchaser of any land required by the Corporation for the purposes of this Act, or any easement or right so required.

16.—(1) The Corporation may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement.

Power to reinstate owners or occupiers of property.

PART II
—cont.

(2) Any such agreement may provide for the exchange of land and, for that purpose, the Corporation may pay or receive money for equality of exchange.

PART III

WATERWORKS

Power to
construct
works.

17. Subject to the provisions of this Act, the Corporation may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the administrative county of the West Riding of Yorkshire and the borough the works hereinafter described:—

In the urban districts of Colne Valley and Ripponden—

Work No. 1 An impounding reservoir (to be called the “Scammonden Reservoir”) to be formed by means of an embankment or dam across the stream commencing in the enclosures Nos. 424 and 425 on the 1/2500 Ordnance map of Yorkshire sheet CCXLV.15 (second edition 1907) and terminating in the enclosures Nos. 401, 402 and 414 on the said sheet of the said Ordnance map;

Work No. 2 A pumping station near the embankment or dam comprised in Work No. 1;

Work No. 3 A conduit or line of pipes commencing in Work No. 2 and terminating in the enclosure No. 911 on the 1/2500 Ordnance map of Yorkshire sheet CCLIX.3 (edition 1932);

Work No. 4 A conduit or line of pipes commencing in the enclosure No. 424 on the said sheet of the said Ordnance map and terminating at Work No. 2:

In the borough—

Work No. 5 A treatment works and pumping station near the existing reservoir of the Corporation at Longwood:

In the urban districts of Colne Valley and Ripponden—

Work No. 6 A sewage pipeline commencing at the premises known as “The Delight” and terminating at Work No. 8:

In the urban district of Colne Valley—

Work No. 6A A sewage pipeline commencing at the premises known as “Scar Bottom” and terminating at Work No. 6:

In the urban district of Ripponden—

Work No. 6B A sewage pipeline commencing at the premises known as “Plash House” and terminating at Work No. 6;

Work No. 6C A sewage pipeline commencing at the premises known as “Pike Plain” and terminating at Work No. 6:

In the urban district of Colne Valley—

Work No. 7 A sewage pipeline commencing near the premises known as “The Moorlands” and terminating at Work No. 7A;

Work No. 7A A sewage disposal works in enclosure No. 231 on the 1/2500 Ordnance map of Yorkshire sheet CCXLV.16 (second edition 1907):

In the borough and the urban district of Colne Valley—

Work No. 7B A sewage pipeline commencing near the premises known as “Shay’s Laith” and terminating at Work No. 7C:

In the borough and the urban districts of Colne Valley and Elland—

Work No. 7C A sewage disposal works in enclosure No. 580 on the said sheet of the said Ordnance map:

In the urban district of Colne Valley—

Work No. 7D A sewage pipeline commencing near the premises known as “Pleasant Pasture” and terminating at Work No. 7E;

Work No. 7E A sewage pipeline commencing near the premises known as “Carr House” and terminating at Work No. 7;

Work No. 7F A sewage pipeline commencing near the premises known as “Low Platt” and terminating at Work No. 7;

Work No. 7G A sewage pipeline commencing near the premises known as “O’Cot” and terminating at Work No. 7;

Work No. 7H A sewage pipeline commencing near the premises known as “Baptist Chapel” and terminating at Work No. 7B;

Work No. 7I A sewage pipeline commencing near the premises known as “Baptist Chapel” and terminating at Work No. 7J;

PART III
—cont.

Work No. 7J A sewage pipeline commencing near the premises known as “Hard End” and terminating at Work No. 7B;

Work No. 7K A sewage pipeline commencing near the premises known as “New House” and terminating at Work No. 7B;

Work No. 7L A sewage pipeline commencing near the premises known as “Daisy Hill” and terminating at Work No. 7K:

In the borough and the urban district of Colne Valley—

Work No. 7M A sewage pipeline commencing near “Rocking Stone Delph” and terminating at Work No. 7B:

In the urban districts of Colne Valley and Ripponden—

Work No. 8 A sewage disposal works in enclosure No. 386 on the said Ordnance map sheet CCXLV.15;

Work No. 9 A catchwater and intake commencing in Hey House Clough and terminating in Work No. 1:

In the urban district of Ripponden—

Work No. 9A A catchwater and intake commencing in Spring Grove Clough and terminating in Work No. 9:

In the borough and the urban districts of Colne Valley, Elland and Ripponden—

Work No. 10 A catchwater and intake commencing in Red Lane Dike and terminating in Work No. 1:

In the urban district of Colne Valley—

Work No. 10A A catchwater and intake commencing in Hey Croft Clough and terminating in Work No. 10;

Work No. 10B A catchwater and intake commencing in Hey Clough and terminating in Work No. 10;

Work No. 11 A road commencing at a junction with the road from Elland to Rochdale opposite the premises known as “The Delight” and proceeding in a south-westerly direction for a distance of approximately 133 yards and terminating by a junction with the existing district road in enclosure No. 618 on the said Ordnance map sheet CCXLV.15;

- Work No. 12 A catchwater and intake commencing in Redbrook Clough and terminating in the enclosure No. 1054 on the said Ordnance map sheet CCLIX.7 (edition 1932);
- Work No. 12A A catchwater and intake commencing in Long Clough and terminating in Work No. 12;
- Work No. 12B A catchwater and intake commencing in Oakner Clough and terminating in Work No. 12;
- Work No. 12C A catchwater and intake commencing in Stonepit Lee Clough and terminating in Work No. 12E;
- Work No. 12D A catchwater and intake commencing in Willykay Clough and terminating in Work No. 12E;
- Work No. 12E A catchwater and intake commencing in Haigh Clough and terminating in Work No. 12;
- Work No. 12F A catchwater and intake commencing in Hard Head Clough and terminating in Work No. 12E;
- Work No. 12G A catchwater and intake commencing in Green Owlers Clough and terminating in Work No. 12E;
- Work No. 12H A catchwater and intake commencing in Park Clough and terminating in Work No. 12G;
- Work No. 12I A catchwater and intake commencing in Purl Clough and terminating in Work No. 12;
- Work No. 12J A catchwater and intake commencing in Scout Top Clough and terminating in Work No. 12;
- Work No. 12K A catchwater and intake commencing in Huck Hill Clough and terminating in Work No. 12;
- Work No. 12L A catchwater and intake commencing in Green Hill Clough and terminating in Work No. 12;
- Work No. 12M A catchwater and intake commencing in Cat Holes Clough and terminating in Green Hill Clough;
- Work No. 12N A catchwater and intake commencing in Drop Clough and terminating in Work No. 12;
- Work No. 12O A catchwater and intake commencing in Blake Clough and terminating in Work No. 12N;
- Work No. 12P A catchwater and intake commencing in Booth Gate Clough and terminating in Work No. 12;
- Work No. 13 A tunnel commencing at the termination of Work No. 12 and terminating near Work No. 1;
- Work No. 14 A catchwater and intake commencing in Barrett Clough and terminating in Work No. 13;

PART III
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PART III
—cont.

Work No. 14A A catchwater and intake commencing in Ainley Clough and terminating in Work No. 14;

Work No. 14B A catchwater and intake commencing in Merry Dale Clough and terminating in Work No. 14;

Work No. 14C A catchwater and intake commencing in Bradshaw Clough and terminating in Work No. 13:

In the borough and the urban district of Colne Valley—

Work No. 15 A conduit or line of pipes commencing at the termination of Work No. 3 in the enclosure No. 911 and terminating in an existing reservoir at Longwood in the enclosure No. 6900 on the said Ordnance map sheets SE 0816 and SE 0916 (edition 1963):

In the urban district of Colne Valley—

Work No. 16 An automatic recording gauge and a conduit or line of pipes commencing by a junction with an existing water main of the Corporation at the junction of Fall Lane and Mount Road and terminating at Work No. 17;

Work No. 17 A flume gauge or measuring device in the river Colne near the premises known as “Glenroyd”:

In the borough—

Work No. 18 A conduit or line of pipes commencing in a building in the enclosure No. 8191 on the said Ordnance map sheets SE 0816 and SE 0916 (edition 1963) and terminating in an existing reservoir at Scapegoat Hill in the enclosure No. 5164 on the said Ordnance map.

Stopping up
and diversion
of roads,
bridlepaths
and footpaths.

18.—(1) The Corporation may stop up and extinguish all rights of way over so much of any road, bridlepath or footpath in the urban districts of Colne Valley or Ripponden (other than the road and footpaths coloured pink or green on the deposited plans) as may be situate within the limits of deviation of the Scammonden Reservoir (Work No. 1) as shown on the deposited plans and thereupon all rights over and along so much of such road, bridlepath or footpath shall be extinguished and the Corporation may appropriate and use for the purposes of the undertaking the site of the portion of any such road, bridlepath or footpath so stopped up so far as it is bounded on both sides by lands of the Corporation:

Provided that—

(a) no portion of any road, bridlepath or footpath shall be stopped up under the powers of this section until the Corporation are in possession of all the lands abutting on each side of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree;

(b) no part of the road between the points marked K and L on the deposited plans shall be stopped up under the powers of this section until the road (Work No. 11) is completed.

PART III
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(2) The Corporation may divert the footpath in the urban districts of Colne Valley and Ripponden coloured green on the deposited plans to the position shown on the deposited plans or such other position within the limits of deviation of the embankment shown on those plans as may be necessary for the construction of the embankment and may stop up and cause to be discontinued as a public highway so much of the said footpath as will be rendered unnecessary by the diversion thereof as aforesaid:

Provided that no part of the said footpath shall be stopped up until the footpath to be substituted therefor is completed.

19. The road (Work No. 11) shall, when completed, be maintained and repaired by, and at the expense of, the Corporation for a period of one year from the completion thereof and, at the expiration of that period, shall vest in, and be maintained and repaired by, and at the expense of, the district council.

Vesting and
maintenance
of road.

20.—(1) For the purposes of section 18 (Stopping up and diversion of roads, bridlepaths and footpaths) and section 19 (Vesting and maintenance of road) of this Act the road (Work No. 11) shall be deemed to be completed when the district council are satisfied that it has been completed in accordance with their reasonable requirements and is open for public use or, in the case of a difference between the Corporation and the district council as to whether the said requirements have been complied with or as to their reasonableness, the matter in dispute has been referred to and determined by the Minister and he has certified that the said road has been completed in accordance with his determination.

Completion
of road.

(2) Before applying to the Minister for his determination the Corporation shall give to the district council not less than seven days' notice of their intention to apply for the same.

21. When any of the sewerage works has been completed to the reasonable satisfaction of the district council (or, in the case of a difference between the Corporation and the district council, when the Minister of Housing and Local Government has certified that the sewerage work has been completed to his satisfaction) that sewerage work shall for a period of one year from the completion thereof be maintained by and at the expense of the Corporation and at the expiration of that period shall be maintained by the district council and shall for all purposes be deemed to be a public sewer or sewage disposal works (as the case may be)

Vesting and
maintenance
of sewerage
works.

PART III
—cont.
c. 49.

constructed by the district council under section 15 of the Public Health Act, 1936, and vested in the district council under section 20 of that Act.

Works to
form part of
undertaking.

22. The works authorised by this Act shall for all purposes form part of the undertaking:

Provided that—

- (a) the road (Work No. 11) shall cease to form part of the undertaking as from the date on which it vests in the district council under section 19 (Vesting and maintenance of road) of this Act;
- (b) each of the sewerage works shall cease to form part of the undertaking as from the date on which it vests in the district council under section 21 (Vesting and maintenance of sewerage works) of this Act.

Temporary
stoppage of
highways, etc.

23.—(1) The Corporation during, and for the purpose of, the execution of the waterworks may temporarily stop up and divert, and interfere with, any highway or drain or culvert and, in the case of any highway, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway from passing along and using the same.

(2) Notwithstanding the provisions of subsection (1) of this section the Corporation may execute and do all necessary works and things for keeping any highway open for traffic.

(3) The Corporation shall provide reasonable access for foot-passengers with or without animals bona fide going to or from any such land, house or building.

(4) The Corporation shall not exercise the powers of this section in relation to a highway without the consent of the highway authority but such consent shall not be unreasonably withheld and any question whether such consent is, or is not, unreasonably withheld shall be determined by the Minister.

(5) The Corporation shall not exercise the powers of this section in relation to a drain or culvert without providing a proper substitute before interrupting the passage of water in or through such drain or culvert, and shall make compensation for any damage caused by the exercise of such powers in relation to a drain or culvert, the amount of such compensation being, in case of dispute, referred to, and determined by, the tribunal.

(6) The Corporation shall not exercise the powers of this section with respect to any highway upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

(7) The exercise of the powers conferred by this section in relation to any highway shall not prejudice or affect the right of the Postmaster General—

PART III
—cont.

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that highway; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway.

24.—(1) It shall be lawful for the Corporation to divert and alter the course of any river, stream, watercourse or ditch over any lands acquired by them for the purposes of the waterworks authorised by this Act and the existing bed, banks and channel of the diverted portion of any such river, stream, watercourse and ditch, together with all riparian rights, shall, by virtue of this Act, vest in the Corporation and may be appropriated and used by the Corporation for the purposes of, or in connection with, those works.

Power to divert rivers, streams, etc.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be, and shall pay compensation to all persons for damage sustained by them, or any liability to which they may become subject, by reason of the exercise of those powers, and any difference as to the amount of the compensation to be paid shall be determined by the tribunal.

(3) The provisions of this section shall be in addition to, and not in substitution for, or in derogation of, any other provision of this Act relating to the diversion of rivers, streams, watercourses or ditches or the acquisition of lands.

25. The provisions of section 145 of the Act of 1933 shall apply with respect to the alteration of any watercourse under the powers of section 24 (Power to divert rivers, streams, etc.) of this Act as if the alteration were done in the exercise of powers conferred by the Land Drainage Act, 1930.

Application of section 145 of Act of 1933.

c. 44.

PART IV

ABSTRACTION OF WATER

26.—(1) Subject to the provisions of this Act, the Corporation may divert or impound and take, appropriate and use for the purposes of the undertaking the water of the stream and all such other streams, springs, tributaries and feeders flowing into the stream and all such other waters, rivers, streams, springs, tributaries and feeders as may be taken and intercepted by means of the Scammonden Reservoir (Work No. 1).

Power to take water.

(2) Subject to the provisions of this Act the Corporation may take, appropriate and use for the purposes of the undertaking

PART IV
—cont.

any water which may flow into or be intercepted by the catchwaters described in section 17 (Power to construct works) of this Act and may by means of the intakes comprised in the said works take and use for the purposes of the undertaking water from the streams mentioned in Schedule 2 to this Act:

Provided that before taking any water through the tunnel (Work No. 13) or any section thereof, the Corporation shall, on such site as may be agreed between the Corporation and the river authority or, failing agreement, determined by the Water Resources Board construct and thereafter maintain a gauge to gauge the quantity of water passing through the tunnel in either direction.

(3) During the construction of the Scammonden Reservoir (Work No. 1) the Corporation may take from the stream within the limits of deviation for the said reservoir such water as they may require for the construction of the waterworks:

Provided that—

- (a) before taking any water from the stream the Corporation shall on such site as may be agreed between the Corporation and the river authority or, failing agreement, determined by the Water Resources Board, construct and shall thereafter maintain a gauge to gauge the flow of the stream; and
- (b) while the flow of water through or over the gauge referred to in paragraph (a) of this proviso is less than 100,000 gallons per day, the Corporation shall not under the powers of this subsection take any water from the stream.

(4) During the construction of the Scammonden Reservoir (Work No. 1), section 52 (As to compensation water) of the Huddersfield Corporation Act, 1913, shall have effect as if for the words “into the Deanhead Clough (sometimes called or known in parts of its course as the Blackbourne Black Burn or Blackbrook but in this Act referred to as ‘Deanhead Clough’)” at a point therein situate not more than two hundred yards below the foot of the embankment of the Deanhead Reservoir” there were substituted the words “into Red Lane Dike at a point therein situate 400 yards upstream of the confluence of Red Lane Dike and Deanhead Clough (sometimes called or known in parts of its course as the Blackbourne Black Burn or Blackbrook but in this Act referred to as ‘Deanhead Clough’)”.

c. xciv.

Compensation
water in
Scam-
monden
Valley.

27.—(1) During the first filling and after the completion of the Scammonden Reservoir (Work No. 1), the Corporation shall discharge into the stream, at a point therein situated not more than 200 yards below the foot of the embankment, water in a uniform and continuous flow at a rate of not less than 636,000

gallons per day and into Red Lane Dike, at a point therein situate 400 yards upstream of the confluence of Red Lane Dike and the stream, water in a uniform and continuous flow at a rate of not less than 132,000 gallons per day and, for the purpose of gauging such discharge, the Corporation shall construct and maintain in good order such gauges, on such sites, as may be agreed between the Corporation and the river authority, or, failing agreement, determined by the Water Resources Board:

PART IV
—cont.

Provided that, until the date upon which the Corporation are first required to discharge water into the river Colne in accordance with the provisions of subsection (3) of section 28 (Compensation water in Colne Valley) of this Act, the rate at which the Corporation are required to discharge water into the stream under this subsection shall be not less than 790,000 gallons per day instead of not less than 636,000 gallons per day.

(2) As from the date upon which the Corporation commence the first filling of the Scamonden Reservoir (Work No. 1), section 52 (As to compensation water) of the Huddersfield Corporation Act, 1913, is hereby repealed.

c. xcv.

28.—(1) On and after the date on which the Corporation first take water by means of intake No. 4 comprised in Work No. 14C, the Corporation shall discharge into the stream flowing through Merry Dale Clough at a point situate within the limits of deviation for Work No. 14 water in a uniform and continuous flow at a rate of not less than 180,000 gallons per day and for the purpose of gauging such discharge the Corporation shall construct and maintain in good order a gauge, on such site, as may be agreed between the Corporation and the river authority or, failing agreement, determined by the Water Resources Board.

Compensation
water in
Colne Valley.

(2) On and after the date on which the Corporation first take water by means of any of the catchwaters (Work No. 14, Work No. 14A or Work No. 14B), or by means of any of the intakes comprised in those works, the Corporation shall (instead of discharging water in accordance with subsection (1) of this section) discharge into the stream flowing through Merry Dale Clough at the point referred to in the said subsection (1) water in a uniform and continuous flow at a rate of not less than 300,000 gallons per day.

(3) On and after the date on which the Corporation first take water by means of any of the catchwaters (Works Nos. 12 to 12P inclusive) or by means of the intakes comprised in those works, the Corporation shall discharge into the river Colne such a quantity of water as will ensure that there is a continuous flow of water in the said river at a rate of not less than 1,600,000 gallons per day at the flume or measuring device (Work No. 17):

PART IV
—cont.

Provided that in calculating the flow of water in the said river for the purpose of this subsection no account shall be taken of any water which may be discharged by the British Waterways Board into the river Colne upstream of the said flume or measuring device (Work No. 17) in accordance with the said board's obligations to the Colne Valley Water Millowners' and Occupiers' Association or any members thereof.

Provisions
applicable to
foregoing
sections of
this Act.

29.—(1) If the Corporation—

- (a) take any water under the provisions of subsection (3) of section 26 (Power to take water) of this Act before they have constructed the gauge referred to in paragraph (a) of the proviso to the said subsection (3); or
- (b) fail to maintain in good order any gauge which they are, under section 27 (Compensation water in Scammonden Valley) or section 28 (Compensation water in Colne Valley) of this Act, required to maintain, or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby, or kept in connection therewith, or to take copies of any such records; or
- (c) fail to comply with the requirements of the said section 27 or of the said section 28 with respect to the discharge of compensation water;

they shall, without prejudice to their civil liability (if any) to a person aggrieved, be liable, in the case of an offence under paragraph (b) of this subsection, on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and, in the case of an offence under paragraph (a) or paragraph (c) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued; and
- (ii) on conviction on indictment, to a fine not exceeding five hundred pounds in respect of each such day:

Provided that the Corporation shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to, if such failure is due to unavoidable accident or other unavoidable cause.

(2) For the purposes of this section a river authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their area and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(3) The provisions of subsection (3) of the said section 26, the said sections 27 and 28 and the foregoing provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters impounded, diverted, taken or appropriated by the Corporation under the powers of the said section 26.

PART IV
—cont.

30. As from the 1st April, 1966, the enactments referred to in the first, second and third columns of Schedule 3 to this Act are hereby amended as specified in the fourth column of that schedule.

Amendment
of existing
provisions as
to compensa-
tion water.

PART V

ROAD WORKS

31. Any agreement or agreements which may be made between the Minister and the Corporation under section 10 of the Highways Act, 1959 (which empowers the Minister to delegate certain functions with respect to trunk roads and to enter into agreements with respect to trunk roads), with respect to the construction, improvement or maintenance of the whole or any part of the road works may provide for the use of the embankment as an embankment for carrying the road works and for the dedication by the Corporation of such part of the embankment as is required for the construction of the road works as a highway for which the Minister is a highway authority.

Agreements
as to road
works.
c. 25.

32.—(1) The Minister shall pay to the Corporation such proportion as may be agreed between the Minister and the Corporation or as failing agreement may be determined by arbitration of—

Apportion-
ment of costs.

- (a) the cost of the acquisition of land and easements for the purpose of the construction and maintenance of the road works and the embankment;
- (b) the cost of the construction, maintenance and inspection of the road works and the embankment; and
- (c) the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act.

(2) For the purposes of any apportionment under subsection (1) of this section—

- (a) so much of any costs as relates solely to any of the waterworks shall be borne wholly by the Corporation and so much of any costs as relates solely to the road works shall be borne wholly by the Minister; and
- (b) in respect of any matter, the cost of which relates partly to any of the waterworks and partly to the road works, the cost shall be measured and apportioned to take

PART V
—cont.

account of the extent to which it was necessary for each purpose and of any difference in cost arising from its being associated with the other purpose.

(3) The payments to be made by the Minister under subsection (1) of this section shall be made at such time or times as may be agreed between the Minister and the Corporation.

As to expenses incurred by Minister.
c. 25.

33. Any expenses incurred by the Minister under this Act shall be deemed to be expenses incurred by him under the Highways Act, 1959.

Agreement as to indemnity.

34. The Minister and the Corporation may enter into and carry into effect an agreement to provide for—

- (a) the indemnifying by the Corporation of the Minister against claims and demands which may be made on or against the Minister or which the Minister may have to pay by reason or in consequence of the construction, maintenance, user, failure or want of repair of the road works or the embankment;
- (b) the indemnifying by the Minister of the Corporation against claims and demands which may be made on or against the Corporation or which the Corporation may have to pay by reason or in consequence of the construction, maintenance, user, failure or want of repair of the road works or the embankment;
- (c) the settlement by arbitration of any dispute or difference in respect of any of the foregoing matters.

Abandonment of certain interests.

35.—(1) In this section—

- (a) if the Minister gives notice under subsection (2) of this section the expression “the abandoning authority” means the Minister and the expression “the continuing authority” means the Corporation;
- (b) if the Corporation give notice under subsection (2) of this section the expression “the abandoning authority” means the Corporation and the expression “the continuing authority” means the Minister;
- (c) the expression “the date of abandonment” means the date specified in a notice given under subsection (2) of this section.

(2) (a) If at any time after the construction of the embankment and the road works the Minister determines to abandon the road works he shall give to the Corporation notice of his intention so to do specifying the intended date of abandonment and not less than three months before that date the Minister shall execute

and complete to the reasonable satisfaction of the Corporation such repairs (if any) to the embankment as may be reasonably necessary to comply with his obligations to maintain the same and take such other steps as may be necessary to render the embankment safe:

PART V
—cont.

Provided that the Minister shall not be required to execute any repairs to the embankment which are not necessary for maintaining the same for the purpose of the waterworks.

(b) If at any time after the construction of the embankment and the road works the Corporation determine to abandon the reservoir (Work No. 1) they shall give to the Minister notice of their intention so to do specifying the intended date of abandonment and not less than three months before that date shall to the reasonable satisfaction of the Minister—

- (i) drain the reservoir of water;
- (ii) execute and complete such repairs (if any) to the embankment as may be reasonably necessary to comply with their obligations to maintain the same; and
- (iii) take such other steps as may be necessary to render the embankment safe:

Provided that the Corporation shall not be required to execute any repairs to the embankment which are not necessary for maintaining the same as an embankment to carry the road works.

(3) Not later than the date of abandonment the abandoning authority shall transfer and convey without charge to the continuing authority the interest of the abandoning authority in the embankment and the road works, and on the date of abandonment the obligations of the abandoning authority in respect of the embankment and the road works shall cease.

(4) Any difference arising under this section shall be determined by arbitration.

36. In arbitrations under any provision of this Part of this Act or under an agreement made under any such provision the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of an agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party. Arbitration.

37.—(1) The powers conferred by subsection (1) of section 36 of the Road Traffic Act, 1960, may be exercised in relation to the road works if the highway authority are satisfied that traffic on the road works should by reason of any works being executed or proposed to be executed on or near the road works or Work No. 1, be restricted or prohibited. Modification of section 36 of Road Traffic Act, 1960. c. 16.

PART V
—cont.

(2) The provisions of subsection (2) of the said section 36 shall have effect in their application to the road works so as to empower the highway authority to restrict or prohibit temporarily the use of the road works or any part thereof by vehicles, or by vehicles of a particular class or description where owing to the likelihood of danger to the public (whether using the road works or not) or of serious damage to the highway or to Work No. 1, it appears to them to be necessary that such restriction or prohibition should come into force without delay.

Modification
of section 10
of Highways
Act, 1959.
c. 25.

38. Notwithstanding anything contained in section 10 of the Highways Act, 1959, if there should be any conflict between any requirement of the Minister in, or in pursuance of, a condition imposed under subsection (2) of that section or any agreement made in pursuance of subsection (4) of that section with regard to the whole or any part of the road works and any requirement by a civil engineer to ensure the safety of the reservoir (Work No. 1) in accordance with the Reservoirs (Safety Provisions) Act, 1930, and the Corporation comply with the requirements of the civil engineer, the Corporation shall not be required to comply with so much of the requirement of the Minister as conflicts with the requirement of the civil engineer.

c. 51.

PART VI

FINANCE AND MISCELLANEOUS

Power to
borrow.

39.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the following table.

(4) Subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946. c. 58.

PART VI
—cont.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The purchase of lands, easements and rights	The sum required	Sixty years.
(b) The construction of Works Nos. 1 and 13	£2,625,000	Sixty years.
(c) The construction of Works Nos. 2, 5, 9, 9A, 10, 10A, 10B, 12 to 12P (inclusive) and 14 to 14C (inclusive), except pumping machinery and sterilisation plant forming part of Work No. 2 or Work No. 5	£987,500	Forty years.
(d) The construction of Works Nos. 3, 4, 6 to 6C (inclusive), 7 to 7M (inclusive), 8, 15, 16, 17 and 18, except machinery forming part of Work No. 8	£727,500	Thirty years.
(e) Work No. 11	£20,000	Twenty years.
(f) The provision of pumps, machinery and plant	£105,000	Fifteen years.
(g) The payment of the sums payable by the Corporation under section 50 (Costs of Act)	The sum required	Five years.

40.—(1) In this section—

“ the burial grounds ” means the St. Bartholomew’s Burial Ground and the Pole Moor Baptist Chapel Burial Ground or either of them;

“ the Pole Moor Baptist Chapel Burial Ground ” means the burial ground in the urban district of Colne Valley being the property numbered 389 on the deposited plans;

Closing of burial grounds.

PART VI
—cont.

“right of burial” means—

(a) an exclusive right of burial granted by a faculty before the passing of this Act; and

(b) a right, acquired by custom of the parish, of burial—

(i) in a grave for the walling of which the owner of the right has, before the passing of this Act, expended money; or

(ii) in a grave in which a relative of the owner of the right has been buried and in which there is room for further burial;

“the St. Bartholomew’s Burial Ground” means the burial ground in the urban district of Colne Valley being the property numbered 388 on the deposited plans;

“the specified date” means the date determined by the council of the borough in accordance with subsection (2) of this section.

(2) (a) Not less than six months before the date on which the Corporation estimate that they will commence the first filling of the Scammonden Reservoir (Work No. 1) the council of the borough shall by resolution determine a date being not less than five months after the date of the passing of the resolution and being one month before the date on which the Corporation estimate that they will commence the first filling of the said reservoir.

(b) Within one month after the passing of the resolution referred to in paragraph (a) of this subsection the Corporation shall give notice of the specified date and of the effect of this section by—

(i) publishing the notice in a local newspaper circulating in the urban district of Colne Valley;

(ii) serving copies of the notice on the incumbent of the parish of St. Bartholomew and on the trustees of the Pole Moor Baptist Chapel; and

(iii) posting a copy of the notice in a conspicuous position on or near each of the burial grounds.

(3) On and after the specified date, burials in the burial grounds (except the burial in the St. Bartholomew’s Burial Ground of the cremated remains of any body) shall be wholly discontinued.

(4) On and after the specified date any person who (except as provided in subsection (3) of this section)—

(a) causes the body of any person to be buried; or

(b) knowingly permits the body of any person to be buried; in the burial grounds shall be liable to a penalty not exceeding ten pounds.

PART VI
—cont.

(5) (a) Any person who at the date of the passing of this Act is the owner of a right of burial in a vault or walled grave in the St. Bartholomew's Burial Ground shall be entitled to be paid by the Corporation compensation for the loss or modification of that right by virtue of the provisions of this section.

(b) The incumbent of the parish of St. Bartholomew shall be entitled to be paid by the Corporation compensation for the loss of burial fees in consequence of the provisions of this section.

(c) The amount of any compensation payable under this subsection shall in case of dispute be determined by the tribunal.

41.—(1) In the construction of the works authorised by this Act the Corporation shall have regard— Preservation of amenities.

(a) to the preservation for the public of the natural beauty of the area in which those works are situate and the enjoyment of the area by the public; and

(b) to the conservation of flora and fauna and geological or physiographical features in the area of special scientific interest.

(2) For the purposes of the foregoing provisions of this section, the Corporation shall appoint a landscape consultant to advise them in connection with their duties under paragraph (a) of subsection (1) of this section.

42.—(1) The Corporation may provide facilities on Scammonden Reservoir (Work No. 1) for the purposes of such forms of recreation for the public as they may think fit. Provision of facilities for recreation on Scammonden Reservoir.

(2) For the purposes aforesaid the Corporation may set apart any land held by them, and may provide and maintain such buildings and other works and do such other things as may be necessary or expedient.

(3) The Corporation may demand and take such reasonable charges as they think fit from any person using any facilities provided by the Corporation under this section or using Scammonden Reservoir (Work No. 1) for the purposes of recreation.

(4) The Corporation may either—

(a) themselves, manage any land set apart and any buildings and works provided under this section; or

(b) let them, or any part thereof, for such consideration and on such terms and conditions as they think fit.

PART VI

—cont.

c. 49.

(5) Section 271 of the Public Health Act, 1936, shall apply as if references in that section to that Act included references to this section.

(6) (a) The Corporation may make byelaws with respect to the use of any facilities provided under this section, or the use of the Scammonden Reservoir (Work No. 1) for the purposes of recreation, for all or any of the following purposes:—

- (i) regulating sailing, boating and fishing on or in the reservoir, and other forms of recreation with respect to the reservoir;
- (ii) requiring the registration of boats kept for use, or used on the reservoir;
- (iii) preventing the passing into the waters of the reservoir of any sewage or other offensive or injurious matter, whether solid or fluid;
- (iv) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution.

c. 42.

(b) Section 19 (other than paragraph (b) of subsection (6) thereof) and section 20 of the Water Act, 1945, shall apply to byelaws made under paragraph (a) of this subsection, and such byelaws shall, for the purposes of the said provisions of the Water Act, 1945, be deemed to be byelaws under section 17 of that Act.

(c) Nothing in this subsection shall prejudice or affect the right of the Corporation to make byelaws under section 18 of the Water Act, 1945.

Application
of Water
Resources
Act, 1963.
c. 38.

43.—(1) For the purpose of section 36 of the Water Resources Act, 1963 (which restricts the construction of impounding works without a licence unless the construction or alteration is authorised by an alternative statutory provision for the time being in force), and section 48 of that Act (which provides for the revocation or variation of authorisation to impound under an alternative statutory provision), this Act shall be deemed to be an alternative statutory provision within the meaning of subsection (3) of the said section 36.

(2) For the purpose of section 56 of the said Act (which contains transitional provisions for the purposes of Part IV of that Act), this Act shall be deemed to be a statutory provision in pursuance of an application made before the end of the initial period.

For
protection of
British
Waterways
Board.

44.—(1) The size of the gauge at Slaithwaite Reservoir, specified in the engineers' certificate prepared in accordance with

section 10 (For ascertaining the quantity of water necessary for the use of the Mills) of the Act 34 Geo. 3 c. liii (which relates to the Huddersfield Narrow Canal), shall—

PART VI
—cont.

- (a) on and after the date on which the Corporation first take water by means of intake No. 4 comprised in the catchwater (Work No. 14c) be reduced from 12 inches by 9 inches to 12 inches by 6½ inches; and
- (b) on and after the date on which the Corporation first take water by means of any of the catchwaters (Work No. 14, Work No. 14A or Work No. 14B) or by means of the intakes comprised in those works (other than the said intake No. 4), be further reduced to 12 inches by 5 inches.

(2) The Corporation shall, as soon as may be reasonably practicable thereafter, give notice in writing to the British Waterways Board of each of the dates referred to in subsection (1) of this section, and the said board may thereupon alter the said gauge to the reduced size referred to in that subsection in relation to that date and may recover the reasonable cost of so doing from the Corporation.

(3) Nothing in subsection (3) of section 29 (Provisions applicable to foregoing sections of this Act) of this Act shall be deemed to prejudice or affect any agreement between the Corporation and the British Waterways Board, whether before or after the passing of this Act, making provision in respect of compensation or compensation water.

45. For the protection of the British Railways Board (in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For
protection
of British
Railways
Board.

(1) In this section—

“railway property” means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

“the specified works” means so much of Works Nos. 12, 15, 16 and 17 and of any works subsidiary to those works constructed under the powers of section 4 of Schedule 3 as may be situated upon, across, under or over or within one hundred feet measured in any direction from railway property and includes the construction, maintenance and renewal of such works;

PART VI
—cont.

“ the engineer ” means an engineer to be appointed by the board;

“ plans ” includes sections, drawings and specifications:

- (2) The Corporation shall not under the powers of this Act acquire compulsorily so much of the lands numbered on the deposited plans 20 in the urban district of Colne Valley as comprises a strip along the south-east boundary of such lands lying within the board's lineside fence and being approximately 18 feet wide at the north-east end and approximately 10 feet wide at the south-west end:
- (3) The Corporation shall before commencing the specified works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:
- (4) If within twenty-eight days after such plans have been furnished to the board the board give notice to the Corporation that in consequence of the nature of the specified works it is reasonably necessary that the board should themselves construct any part of the specified works then if the Corporation desire such part of the specified works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of or during the execution of the specified works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Corporation shall not commence or continue, as the case may be, the construction of the

specified works until the engineer shall have notified the Corporation that the protective works have been completed:

PART VI
—cont.

- (6) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the specified works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the specified works:
- (7) Each of the specified works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property and if any damage to railway property or any such interference or obstruction shall be caused by the construction of the specified works the Corporation shall notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:
- (8) The Corporation shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (9) The board shall at all times afford reasonable facilities to the Corporation and their agents for access to any works carried out by the board under this section and shall supply the Corporation with all such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions either permanent or temporary to railway property shall be reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the specified works by the Corporation such alterations

PART VI
--cont.

and additions may be effected by the board after notice has been given to the Corporation and the Corporation shall pay to the board the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the Corporation to the board under this section:

- (11) The Corporation shall repay to the board all costs, charges and expenses reasonably incurred by the board by reason of the specified works—

(a) in constructing any part of the specified works on behalf of the Corporation as provided by paragraph (4) of this section or in constructing any protective works under the provisions of paragraph (5) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the works being lighting made reasonably necessary as a result of the specified works or the failure thereof;

(e) in respect of the approval by the engineer of plans submitted by the Corporation and the supervision by him of the works:

- (12) If at any time after the completion of the specified works not being works vested in the board the board

shall give notice to the Corporation informing them that the state of repair of the specified works appears to be such as to affect prejudicially railway property, the Corporation shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and, if and whenever the Corporation fail to do so, the board may make and do in and upon the lands of the board or of the Corporation all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Corporation:

PART VI
—cont.

- (13) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Corporation in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Corporation to the board:
- (14) The Corporation shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board (a) by reason of any leakage, bursting or failure of any of the specified works; or (b) by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the specified works, and the Corporation shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the specified works or any such leakage, bursting or failure or act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Corporation or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the Corporation from any liability under the provisions of this section:

Provided that the board shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

PART VI
—cont.

(15) Any difference arising between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For
protection of
Yorkshire
Electricity
Board.

46. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

c. 56.

“apparatus” means any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers (not being apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act, 1950) and includes any works constructed for the lodging therein of apparatus;

c. 39.

“specified work” means any work or thing done under the powers conferred by Part III of this Act;

“in” in a context referring to apparatus includes under, over, across, along or upon;

c. 38.

“operational land” has the same meaning as in section 221 of the Town and Country Planning Act, 1962;

“position” includes depth;

“the undertakers” means the Yorkshire Electricity Board:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Corporation shall not, under the powers of this Act, acquire any apparatus or operational land otherwise than by agreement:

(3) If the Corporation in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain,

repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

PART VI
—cont.

- (4) (a) If the Corporation for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan and section of the proposed work;
- (b) If the Corporation require the undertakers to remove any apparatus, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Corporation shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration, as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section and, in default, the Corporation may remove the apparatus:

PART VI
—cont.

- (6) Notwithstanding anything in paragraph (5) of this section, if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation, such work, in lieu of being executed by the undertakers shall be executed by the Corporation with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (7) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Corporation for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Corporation to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (8) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporation under paragraph (4) of this section, the Corporation shall submit to the undertakers a plan, section and description of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall in consequence of the work proposed by the Corporation, reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Corporation from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

PART VI
—cont.

- (c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:
- (9) Where any road or footpath in which any apparatus is situated has been permanently stopped up or diverted by the Corporation under the powers of section 18 (Stopping up and diversion of roads, bridlepaths and footpaths) of this Act, the undertakers shall, notwithstanding such stopping up or diversion, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a road or footpath as they would have if it had remained a road or footpath and no such rights shall be extinguished by virtue of the said section 18 but nothing in this paragraph shall prejudice or affect any right of the Corporation, or of the undertakers, to require removal of such apparatus under this section:
- (10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Corporation shall provide an alternative means of access to such apparatus:
- (11) The Corporation shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;
 - (b) the cutting off of any apparatus from any other apparatus; and
 - (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the Corporation of any of the powers of this Act:
- (12) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which

is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity or water by the undertakers shall be caused, the Corporation shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, and shall—

PART VI
—cont.

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

(13) The temporary stopping up or diversion of any highway under the powers of section 23 (Temporary stoppage of highways, etc.) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(14) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party;

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

47. Nothing in this Act shall affect such right as the Calderdale Water Board may have to take water by means of their intake at Pole Moor. For protection of Calderdale Water Board.

PART VI

—cont.

Protection of
members and
officers of
Corporation
from personal
liability.

c. 55.

Saving for
town and
country
planning.

c. 38.

48. Section 265 of the Public Health Act, 1875, shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

49. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land, notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

50. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall, in the first instance, be paid by the Corporation, but a proportion shall be paid to them by the Minister in pursuance of the provisions of section 32 (Apportionment of costs) of this Act.

SCHEDULES

SCHEDULE 1

Section 3.

PROVISIONS OF SCHEDULE 3 APPLIED

(1) Provisions applied	(2) Modifications
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans and sections".
Section 4 (General power to construct subsidiary works)	The words "the last foregoing section and to any other provision of " shall be omitted and for the words "their water undertaking" there shall be substituted the words "the authorised works". After the word "buildings" there shall be inserted the words "roads, means of access, embankments, piers, bridges" and after the words "supply of water" there shall be inserted the words "(including works for the disposal of sludge resulting from the operation of the authorised works)".
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Part IV (Minerals Underlying Waterworks)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 91 (Mode of reference to arbitration)	—

Section 26.

SCHEDULE 2

STREAMS FROM WHICH WATER MAY BE TAKEN, APPROPRIATED AND USED

Name of stream or of clough through which stream flows	No. of Work and No. of Intake by which water may be taken, appropriated and used	
	No. of Work	No. of Intake
Hey House Clough	9	1
Spring Grove Clough	9A	2
Red Lane Dike	10	1
Hey Croft Clough	10A	2
Hey Clough	10B	3
Redbrook Clough	12	1
Long Clough	12A	2
Oakner Clough	12B	3
Stonepit Lee Clough	12C	4
Willykay Clough	12D	5
Haigh Clough	12E	6
Hard Head Clough	12F	7
Green Owlers Clough	12G	8
Park Clough	12H	9
Purl Clough	12I	10
Scout Top Clough	12J	11
Huck Hill Clough	12K	12
Green Hill Clough	12L	13
Cat Holes Clough	12M	14
Drop Clough	12N	15
Blake Clough	12O	16
Booth Gate Clough	12P	17
Barrett Clough	14	1
Ainley Clough	14A	2
Merry Dale Clough	14B	3
Bradshaw Clough	14C	4

SCHEDULE 3

Section 30.

AMENDMENTS TO THE HUDDERSFIELD WATER ACT, 1869, AND THE HUDDERSFIELD CORPORATION WATERWORKS ACT, 1890

c. cx. c.cxv.

(1) Act	(2) Section	(3) Marginal note	(4) Amendment																		
Huddersfield Water Act, 1869	30	Compensation supply to Wessenden Brook and River Colne	<p>For the words " a total quantity of six hundred and sixty-nine gallons of water per minute on the days and during the hours aforesaid " to the end of the section there shall be substituted the words " water in a continuous flow of one hundred and fifty-eight thousand six hundred and six gallons per day every day apportioned to the respective streams as set out in the following table and additionally a flow of eighty-five gallons per minute to Bradley Brook and one hundred and fifty-six gallons per minute to Scout, otherwise Crowhill Clough, between the hours of six o'clock in the forenoon and six o'clock in the afternoon Monday to Saturday inclusive:—</p> <p style="text-align: center;">TABLE</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Stream</th> <th style="text-align: right;"><i>G.P.D.</i></th> </tr> </thead> <tbody> <tr> <td>Badgergate Clough</td> <td style="text-align: right;">50,606</td> </tr> <tr> <td>Stream flowing to Badger Hey</td> <td style="text-align: right;">4,320</td> </tr> <tr> <td>Stream flowing to Lingards Wood</td> <td style="text-align: right;">4,320</td> </tr> <tr> <td>Stream flowing to Chain</td> <td style="text-align: right;">4,320</td> </tr> <tr> <td>Cellars Clough</td> <td style="text-align: right;">37,029</td> </tr> <tr> <td>Gatehead Clough</td> <td style="text-align: right;">8,640</td> </tr> <tr> <td>Ellen Clough</td> <td style="text-align: right;">22,217</td> </tr> <tr> <td>Stream flowing to Binn House</td> <td style="text-align: right;">27,154".</td> </tr> </tbody> </table>	Stream	<i>G.P.D.</i>	Badgergate Clough	50,606	Stream flowing to Badger Hey	4,320	Stream flowing to Lingards Wood	4,320	Stream flowing to Chain	4,320	Cellars Clough	37,029	Gatehead Clough	8,640	Ellen Clough	22,217	Stream flowing to Binn House	27,154".
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Ellen Clough	22,217																				
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Huddersfield Corporation Waterworks Act, 1890	26	As to Compensation Water	(i) The words " during the following hours of any lawful working day that is to say from six o'clock in the forenoon to six o'clock in the afternoon except on Saturdays on which days the water shall be delivered from six o'clock in the forenoon to twelve o'clock noon " shall be omitted.																		

SCH. 3
—cont.

(1) Act	(2) Section	(3) Marginal note	(4) Amendment
			(ii) For the words “ three thousand one hundred and thirty-seven gallons of water per minute ” there shall be substituted the words “water in a uniform and continuous flow of not less than two thousand gallons per minute between the hours of six o'clock in the forenoon and six o'clock in the afternoon and not less than four hundred and sixty-five gallons per minute between the hours of six o'clock in the afternoon and six o'clock in the forenoon ”.

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Huddersfield Corporation Act 1965

CHAPTER xxxii

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