



## CHAPTER lxvi.

An Act to empower the Corporation of Halifax A.D. 1922.  
to construct additional waterworks and for  
other purposes. [20th July 1922.]

**W**HEREAS the county borough of Halifax in the West Riding of the county of York (hereinafter referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses (in this Act referred to as "the Corporation"):

And whereas by virtue of the Halifax Corporation Act 1853 and divers other Acts the Corporation are the owners of waterworks and are empowered and required to supply water to the inhabitants of the borough and of a considerable area in the neighbourhood thereof:

And whereas the Corporation are advised that their existing sources of supply and waterworks will at an early date prove inadequate to meet the requirements of the borough and the other places within which the Corporation supply water:

And whereas it is expedient that the Corporation should be authorised to construct the waterworks and other works referred to in this Act and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking:

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Corporation:

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

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And whereas an estimate has been prepared by the Corporation for the purchase of lands and easements and for the execution of the works by this Act authorised and such estimate amounts to five hundred and eighty-eight thousand pounds :

And whereas the several works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York which plans sections and book of reference are in this Act respectively referred to 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

## PART I.

### PRELIMINARY.

Short title. 1. This Act may be cited as the Halifax Corporation Act 1922.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—  
Part I.—Preliminary.  
Part II.—Lands.  
Part III.—Waterworks.  
Part IV.—Finance and Miscellaneous.

Incorporation of Acts. 3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not incon-

sistent with the provisions of this Act) are hereby incorporated with this Act (namely):— A.D. 1922.

(1) The Lands Clauses Acts with the following exception and modification:—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

(2) The Waterworks Clauses Act 1847 (as amended by section 57 of the Public Health Act 1875) except—

(a) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(b) Section 83 (with respect to the yearly receipt and expenditure of the undertakers).

(3) The Waterworks Clauses Act 1863.

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the company” shall mean the Corporation “the railway” means the waterworks authorised by this Act and “the centre of the railway” shall include the boundaries of the reservoirs respectively and the centre lines as shown on the deposited plans of the aqueducts conduits or lines of pipes and carriageways authorised by this Act.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.



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(2) In this Act unless the subject or context otherwise requires—

- (a) “The borough” means the borough of Halifax;
- (b) “The Corporation” means the mayor aldermen and burgesses of the borough;
- (c) “The Widdop Reservoir” “the Walshaw Dean Upper Reservoir” “the Walshaw Dean Middle Reservoir” and “the Walshaw Dean Lower Reservoir” mean respectively the existing Widdop Reservoir Walshaw Dean Upper Reservoir Walshaw Dean Middle Reservoir and Walshaw Dean Lower Reservoir of the Corporation;
- (d) “The waterworks” means the waterworks and the works in connexion therewith authorised by this Act;
- (e) “The water undertaking” means the water undertaking of the Corporation as authorised by the Corporation Acts and Orders;
- (f) “Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates leviable by or on the precept of the Corporation;
- (g) “The tribunal” means the official arbitrator or other tribunal to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (h) “The Corporation Acts and Orders” means the unrepealed provisions of the local Acts specified in the First Schedule to the Halifax Corporation Act 1920 and the Provisional Orders relating to the borough confirmed by the Acts also specified in the same schedule (each of which Acts and Orders when referred to in this Act is separately referred to as the Act or Order of the year in which it was passed or confirmed) and the said Act of 1920.

## PART II.

### LANDS.

Acquisition  
of lands.

5. Subject to the provisions of this Act the Corporation may for the purposes of the water undertaking

enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. A.D. 1922.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Acquisition of easements.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

7. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November one thousand nine hundred and twenty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was Compensation in case of recently acquired interest.



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Period for compulsory purchase of lands.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to divert footpaths.

9.—(1) Notwithstanding anything shown upon the deposited plans the Corporation shall not stop up or interfere with any public footpaths or bridleways upon the lands to be acquired by them under the powers of this Act except that in connexion with the construction of the reservoirs by this Act authorised they may divert the footpaths crossing the sites of such reservoirs between the points marked W and X and between the points marked Y and Z upon the plan signed in quadruplicate by Sir Harry Samuel the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons one copy has been deposited in the Parliament Office of the House of Lords and other copies with the Corporation and the rural district council of Todmorden (in this section referred to as "the council") respectively and subject to the provisions of this Act may stop up and cause to be discontinued as a footpath so much of each existing footpath as will be rendered unnecessary by new footpaths to be provided by the Corporation in a convenient situation between the points marked A and B and the points marked C and D on the said plan.

(2) Such stopping up of an existing footpath or any portion thereof shall not take place until a new footpath is provided to the reasonable satisfaction of the council of a character similar to the existing footpath and is open for public use or in case of difference between the Corporation and the council until two justices shall have certified that a new footpath has been provided of a character similar to the existing footpath and is open for public use.

(3) Before applying to the justices for their certificate the Corporation shall give to the council seven days' notice in writing of their intention to apply for the same.

(4) As from the provision of a new footpath to the reasonable satisfaction of the council or as from the date

of the said certificate as the case may be all rights of way over or along the existing footpath or portion thereof shall be extinguished and the Corporation may appropriate and use for the purposes of the water undertaking the site of the portion of footpath stopped up so far as the same is bounded on both sides by the lands of the Corporation : A.D. 1922.  
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Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

**10.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. Extinction of private rights of way.

**11.** Nothing in this Act contained shall empower the Corporation to extinguish the common or commonable rights (if any) existing at the date of the passing of this Act over upon or in respect of any lands which may be acquired under the powers of this Act except in so far as such extinguishment is reasonably necessary for the purposes of the construction or maintenance of the works by this Act authorised or is sanctioned by the Minister of Agriculture and Fisheries as being reasonably necessary for the preservation of the purity of the water which the Corporation are by the Corporation Acts and Orders and this Act authorised to collect impound take use get divert and appropriate. Saving of common rights.

**12.—(1)** Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act or any of the Corporation Acts and Orders may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but the quantity of lands held by the Corporation in pursuance of this section (exclusive of lands held for the purpose of protecting their waters and waterworks against pollution fouling contamination Purchase of additional lands by agreement.



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(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

**13.**—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.



**14.** The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the reservoirs and waterworks of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works.

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Power to  
agree as to  
drainage of  
lands &c.

**15.** The following sections of the Act of 1900 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired (that is to say):—

Applying  
certain pro-  
visions of  
Act of 1900  
as to lands.

Section 58 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.)

Section 59 (Power to appropriate lands);

Section 61 (Consideration for such acquisition);

Section 62 (Correction of errors &c. in deposited plans and books of reference);

Section 65 (Power to retain sell &c. lands);

Section 66 (Proceeds of sale &c. of surplus lands);  
and

Section 68 (Reservation of water rights &c. on sale).

### PART III.

#### WATERWORKS.

**16.** Subject to the provisions of this Act the Corporation may wholly within the West Riding of the county of York make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

Power to  
make water-  
works.

In the parish of Heptonstall—

Work No. 1 A reservoir (hereinafter called “the Upper Gorple Reservoir”) to be formed by a dam across the stream called Reaps Water at a

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point on that stream eighty yards or thereabouts measured in an easterly direction from the eastern corner of the enclosure called Scar Nook :

Work No. 2 An aqueduct conduit or line or lines of pipes commencing at a point in the Reaps Water seven yards or thereabouts measured in a south-easterly direction from the east corner of the said enclosure called Scar Nook and terminating by a junction with Work No. 6 hereinafter mentioned at a point in the Reaps Water one hundred and forty yards or thereabouts measured in an easterly direction from the corner of the said enclosure :

Work No. 3 An aqueduct catchwater conduit or line or lines of pipes commencing at a point one hundred and ninety yards or thereabouts measured in a north-westerly direction along the line of the dam of the Upper Gorple Reservoir from the point where the said dam crosses the Reaps Water and terminating in the said stream at a point one hundred and fifty yards or thereabouts measured in an easterly direction from the east corner of the said enclosure called Scar Nook :

Work No. 4 An aqueduct catchwater conduit or line or lines of pipes commencing at a point in the stream called Dicken Dike three hundred and fifty yards or thereabouts measured in a north-westerly direction from the point of junction of the said stream with the Reaps Water and terminating in the Upper Gorple Reservoir :

Work No. 5 An aqueduct catchwater conduit or line or lines of pipes commencing at a point in the stream called Clegg Clough two hundred and eighty yards or thereabouts measured in a southerly direction from the south corner of the building called Raistrick Greave and terminating in the Upper Gorple Reservoir.

In the parishes of Heptonstall and Wadsworth—

Work No. 6 An aqueduct conduit or line or lines of pipes commencing at the termination of Work No. 2 and terminating at a point two hundred and forty yards or thereabouts measured



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in a north-westerly direction from the north corner of the building called Well Holes by a junction with the eastern end of the tunnel which forms part of the aqueduct between Clough Foot and Holme Ends belonging to the Corporation :

Work No. 7 An aqueduct conduit or line or lines of pipes commencing by a junction with Work No. 6 at a point two hundred and fifty yards or thereabouts measured in a north-westerly direction from the north corner of the building called Well Holes and terminating at the existing gauge basin of the Widdop Reservoir.

In the parish of Heptonstall—

Work No. 8 A reservoir (hereinafter called “ the Lower Gorple Reservoir ”) to be formed by a dam across the Reaps Water at a point on that stream four hundred and twenty yards or thereabouts measured in a south-westerly direction from the junction of that stream with the stream called Graining Water :

Work No. 9 An aqueduct conduit or line or lines of pipes commencing at a point in the Reaps Water ninety yards or thereabouts measured in a westerly direction and terminating by a junction with Work No. 12 hereinafter mentioned at a point in the said stream sixty yards or thereabouts measured in an easterly direction from the point where the dam of the Lower Gorple Reservoir crosses the said stream :

Work No. 10 An aqueduct catchwater conduit or line or lines of pipes commencing at a point three hundred and sixty yards or thereabouts measured in a south-westerly direction from the south-western corner of the Chapel at Black Dean and terminating in the Lower Gorple Reservoir :

Work No. 11 An aqueduct catchwater conduit or line or lines of pipes commencing at a point in the Reaps Water five hundred and seventy yards or thereabouts measured in a westerly direction from the point of junction of the stream called Dry Sike with the Reaps Water and terminating at a point in the Reaps Water

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seventy-five yards or thereabouts measured in an easterly direction from the point where the dam of the Lower Gorple Reservoir crosses the Reaps Water :

Work No. 12 An aqueduct conduit or line or lines of pipes commencing at the termination of Work No. 9 and terminating by a junction with Work No. 6 at a point six hundred yards or thereabouts measured in a south-westerly direction from the south corner of the building called Well Holes :

Work No. 13 A carriageway commencing by a junction with the existing public road from Widdop Gate to Black Dean at a point one hundred and seventy yards or thereabouts measured in a north-westerly direction from the west corner of the building called Widdop Gate and extending up the valley of the Reaps Water to its termination at the north-eastern end of the dam of the Upper Gorple Reservoir.

In the parishes of Heptonstall and Wadsworth—

Work No. 14 A carriageway commencing by a junction with the existing public road from Black Dean to Widdop Cross at a point three hundred and thirty-five yards or thereabouts measured in a north-westerly direction from the north corner of the building called Well Holes and terminating at the south-eastern end of the dam of the Lower Gorple Reservoir.

In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of  
deviation.

17. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street



or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent upwards not exceeding five feet in the case of the said reservoirs and thirty feet in the case of the remaining works and in all cases to any extent downwards :

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Provided as follows (that is to say) :—

The Corporation shall not construct the embankment or wall of either of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition.

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

**18.**—(1) Unless the construction of the works by this Act authorised shall have been commenced within a period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation in relation to the construction of the said works and the power to take water during construction of works by this Act granted shall cease and determine.

Periods for commencement and completion of works.

(2) If the Upper Gorple Reservoir or the Lower Gorple Reservoir (whichever of those reservoirs shall be first constructed) is not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the works authorised by this Act shall cease except as to so much thereof as is then completed and the power to take water during construction of works by this Act granted shall also cease and determine.

**19.**—(1) The Corporation shall erect fit up and maintain or provide—

Accommodation for workmen employed on construction of works.

- (a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act ;
- (b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases ;

A.D. 1922. — as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance (Health) Acts 1911 to 1921 or otherwise.

(3) The medical officer of health of the county council of the West Riding of York and the medical officer of health and sanitary inspector of the rural district council of Todmorden shall be entitled at any time to enter into and inspect and examine any such accommodation in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Corporation shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the said county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the said county council may require :

Provided that if within fourteen days after the receipt of notice of any requirement of the said county council under this subsection the Corporation give notice to the said county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if



any) in variation of the requirements of the said county council as he may think fit. A.D. 1922.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the said county council.

(7) Any expenses incurred by the said county council in carrying out the provisions of this section shall be repaid to the said county council by the Corporation and shall be recoverable as a debt due from the Corporation to the said county council.

(8) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister under this section in connexion with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

**20.** Subject to the provisions of this Act the Corporation may collect impound take use get divert and appropriate for the purposes of the waterworks the waters of the following streams namely Reaps Water Thistleden Dean Beck Gorple Water Wicken Clough Whinberry Clough Long Rut Red Carr Clough Clegg Clough Clegg Foot Black Rut Side Gutter Dicken Dike Dry Sike and Long Gutter and their respective tributaries and all such springs streams and waters as may be intercepted by the waterworks and all such springs streams and waters as may be found in on or under any of the lands acquired by the Corporation or over which they have acquired easements under this Act. Power to take water.

**21.** Until the completion of the Upper Gorple Reservoir or the Lower Gorple Reservoir (whichever of those reservoirs shall be first constructed) the Corporation may take from the stream called or known as Reaps Water any water they may require subject to the following restrictions:— Power to take water during construction of works.

(a) They shall place a gauge weir across the said stream at or near the junction of the said stream

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with the Graining Water through an aperture in which one million gallons of water shall be allowed to pass or flow down the stream every day of twenty-four hours :

- (b) On any such day during such time as the flow of water in the said stream shall be less than at the rate of one million gallons per day of twenty-four hours the Corporation shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Corporation may take all or such part of the excess as they may require.

The said gauge weir shall be open to the inspection and examination of all persons interested in the flow of the water in the said stream.

As to compensation water.

**22.** Notwithstanding anything to the contrary contained in the Corporation Acts and Orders the following provisions with respect to compensation water shall have effect (that is to say) :—

- (1) From and after the completion and bringing into use of the Upper Gorple Reservoir and until the completion and bringing into use of the Lower Gorple Reservoir the Corporation shall cause to be discharged or delivered from the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir the Walshaw Dean Upper Reservoir and the Upper Gorple Reservoir or any one or more of them into the Graining Water the Alcomden Water or the Reaps Water or partly into the Graining Water partly into the Alcomden Water and partly into the Reaps Water a quantity of water in a continuous and regular flow equivalent in the aggregate to 3·57 cubic feet in each second of time :
- (2) From and after the completion and bringing into use of the Lower Gorple Reservoir the Corporation shall in lieu of the quantity mentioned in subsection (1) of this section cause to be discharged or delivered from the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir and the Walshaw Dean Upper Reservoir the Upper Gorple Reservoir (if then completed and brought into use) and the Lower



Gorple Reservoir or any one or more of them into the Graining Water the Alcomden Water or the Reaps Water or partly into the Graining Water partly into the Alcomden Water and partly into the Reaps Water a quantity of water in a continuous and regular flow equivalent in the aggregate to 4·6 cubic feet in each second of time : A.D. 1922.

- (3) From and after the completion and bringing into use of both the Lower Gorple Reservoir and the Upper Gorple Reservoir the Corporation shall in lieu of the quantities mentioned in subsections (1) and (2) of this section and in lieu of the quantity of compensation water which the Corporation are required to discharge from and out of the Widdop Reservoir under and in pursuance of the provisions of section 13 (Quantity of water to be discharged as compensation water) of the Act of 1868 cause to be discharged or delivered from the Widdop Reservoir the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir the Walshaw Dean Upper Reservoir the Upper Gorple Reservoir and the Lower Gorple Reservoir or any one or more of them into the Graining Water the Alcomden Water or the Reaps Water or partly into the Graining Water partly into the Alcomden Water and partly into the Reaps Water a quantity of water in a continuous and regular flow equivalent in the aggregate to 7·12 cubic feet in each second of time :

- (4) (a) All water discharged or delivered as compensation to the streams in accordance with the provisions of this section shall be duly measured by proper and efficient gauges ;

(b) Any water so discharged or delivered from the Widdop Reservoir shall be measured at the existing gauge situate near the foot of the embankment of the Widdop Reservoir and any water so discharged or delivered from the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir and the Walshaw Dean Upper Reservoir or any one or more of them shall be measured at the existing gauge situate near

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the foot of the embankment of the Walshaw Dean Lower Reservoir;

(c) Any water so discharged or delivered from the Upper Gorple Reservoir shall be measured at the gauge to be constructed by the Corporation near the foot of the embankment of the Upper Gorple Reservoir or at the gauge to be constructed by the Corporation near the foot of the embankment of the Lower Gorple Reservoir and any water so discharged or delivered from the Lower Gorple Reservoir shall be measured at such last-mentioned gauge:

- (5) (a) The gauges hereinbefore in this section referred to shall be self-recording and shall be and shall continue to be subject to the provisions of section 18 (Gauges to be erected) of the Act of 1888 so far as they are applicable;

(b) The Corporation shall keep at the town hall at Halifax the records of the said gauges and such records shall at all reasonable times be open to the inspection and examination of all persons interested and such persons may take copies of or extracts from the said records:

- (6) From and after the completion and bringing into use of the Upper Gorple Reservoir or the Lower Gorple Reservoir and until the completion and bringing into use of both of such reservoirs the provisions of subsections (1) or (2) as the case may be of this section shall be accepted and taken by all persons interested as full compensation for all water of the Hebden Water and its tributaries which the Corporation can under and by virtue of the powers conferred on them by the Act of 1888 the Act of 1898 the Act of 1902 and this Act divert collect impound or appropriate by means of the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir the Walshaw Dean Upper Reservoir the Lower Gorple Reservoir and the Upper Gorple Reservoir:

- (7) From and after the completion and bringing into use of both the Upper Gorple Reservoir and the Lower Gorple Reservoir the provisions



of subsection (3) of this section shall be accepted and taken by all persons interested as full compensation for all water of the Hebden Water and its tributaries which the Corporation can under and by virtue of the powers conferred on them by the Act of 1868 the Act of 1888 the Act of 1898 the Act of 1902 and this Act divert collect impound or appropriate by means of the Widdop Reservoir the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir the Walshaw Dean Upper Reservoir the Lower Gorple Reservoir and the Upper Gorple Reservoir.

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**23.** From and after the completion and bringing into use of the Upper Gorple Reservoir or the Lower Gorple Reservoir section 13 (Quantity of water to be discharged as compensation water) and section 14 (Application of provisions of the Act of 1853 respecting compensation water) of the Act of 1868 section 17 (As to compensation water to be given by Corporation) of the Act of 1888 and subsection (3) of section 59 (Compensation from Warley Moor and Widdop Reservoirs) of the Act of 1902 shall be repealed except in so far as the same relate to the Widdop Reservoir and the compensation water discharged therefrom but from and after the completion and bringing into use of both the Upper Gorple Reservoir and the Lower Gorple Reservoir the said sections shall be entirely repealed.

Repeal of provisions of local Acts as to compensation water.

**24.—(1)** From and after the completion and bringing into use of the Upper Gorple Reservoir or the Lower Gorple Reservoir the following sections of the Act of 1888 viz. :—

Application of provisions of local Acts to Widdop and Gorple Reservoirs.

Section 19 (Sir John Savile and millowners may repair gauges if Corporation fail to do so);

Section 20 (Penalty on failure to supply the stipulated quantity of water);

Section 21 (Compensation to owners of property for damage in case of bursting of reservoirs); and

Section 22 (Saving rights of millowners);

shall mutatis mutandis apply to and be of full force and effect in relation as well to the Upper Gorple Reservoir

A.D. 1922. — and the Lower Gorple Reservoir as to the Walshaw Dean Lower Reservoir the Walshaw Dean Middle Reservoir and the Walshaw Dean Upper Reservoir and to the compensation water to be discharged from such reservoirs or any one or more of them into the Graining Water the Alcomden Water and the Reaps Water and thereupon any obligation upon the Corporation to discharge water from any of the said reservoirs into the streams affected otherwise than in accordance with the provisions of this section and the section of this Act of which the marginal note is "As to compensation water" shall cease and determine.

(2) From and after the completion and bringing into use of both the Upper Gorple Reservoir and the Lower Gorple Reservoir the foregoing provisions of this section shall apply and be of full force and effect in relation as well to the Widdop Reservoir as to the other reservoirs hereinbefore in this section mentioned and to the compensation water discharged from such reservoir and thereupon any obligation upon the Corporation to discharge water from the Widdop Reservoir into the stream affected otherwise than in accordance with the provisions of this section and the section of this Act of which the marginal note is "As to compensation water" shall cease and determine.

Limiting  
powers of  
Corporation  
to abstract  
water.

**25.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them under the powers of this Act unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Temporary  
discharge of  
water into  
streams.

**26.—(1)** For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse Provided that any water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

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



agreement by arbitration under and pursuant to the A.D. 1922.  
 provisions of the Arbitration Act 1889.

**27.**—(1) If in the opinion of the Corporation it shall be expedient in order to preserve the purity of the water which they are by the Corporation Acts and Orders and this Act authorised to take to prohibit the washing of sheep in any of the waters in the parishes of Heptonstall and Wadsworth in the rural district of Todmorden within the drainage areas of the reservoirs by this Act authorised and of the Widdop Reservoir the Walshaw Dean Upper Reservoir the Walshaw Dean Middle Reservoir and the Walshaw Dean Lower Reservoir the Corporation shall have power to prohibit such washing of sheep Provided that before the Corporation carry this provision into effect in respect of any place where it has been the practice to wash sheep they shall give notice to the owners and occupiers of any such washing place by advertisement in a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation on their own lands another suitable washing place and also a suitable folding place in the vicinity thereof. Sheep washing.

(2) Any person aggrieved by any prohibition issued by the Corporation under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the said rural district Provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Corporation.

(3) In the event of any such appeal the court shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

**28.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any aqueducts discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid Applica-  
tion of  
Waterworks  
Clauses Act  
1847 to  
aqueducts  
&c.

A.D. 1922. — down by the Corporation for the purposes of the water undertaking.

For protec-  
tion of  
Postmaster-  
General.

**29.** Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Corporation under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For protec-  
tion of Lord  
Savile.

**30.** The following provisions shall apply and have effect for the protection of the estate in the parishes of Heptonstall and Wadsworth in the West Riding of the county of York of which John Savile Baron Savile is or claims to be the tenant for life and for the protection of the said John Savile Baron Savile or other the owner or owners for the time being of the said estate (hereinafter called "the Savile Estate") or any part thereof all of whom are in this section meant by and included in the expression "the owner" :—

All lands rights easements interests and privileges required by the Corporation from the owner for the purposes of this Act shall be acquired and held subject to the following provisions (that is to say) :—

- (1) If the Corporation give notice to the owner under the powers of this Act that they require any part of the Savile Estate within the limits of deviation as shown on the deposited plans for the works authorised by this Act the owner may require the Corporation by notice in writing to take the whole of that part of the Heptonstall Moor which is included in the Savile Estate whether within or without the said limits of deviation and is coloured pink upon the map signed as relative thereto by Cecil Stuart Raymond-Barker on behalf of the owner and Percy Saunders on behalf of the Corporation and thereupon the owner shall sell and the Corporation shall purchase the fee simple in possession of all such part of the Heptonstall Moor with power to search for work quarry dig get and carry away mines minerals stone and clay except and reserving in perpetuity to the owner all game woodcock plover snipe quail landrail wild fowl hares and rabbits with the



exclusive right of preserving the same and of shooting fowling and sporting over such part of the said moor and of erecting thereon all necessary and proper huts butts and shelters and of burning the heather and doing all other things necessary or expedient for the better preservation of the rights and interests hereby reserved to the owner and the conveyance or conveyances to the Corporation shall contain proper reservations and provisions securing to the owner and his lessees tenants and servants the use in common with the Corporation of any roads to be constructed by the Corporation over such part of the said moor and for preventing damage and injury to the said reserved rights :

Provided that the Corporation shall not by purchasing the said lands as aforesaid acquire any rights of getting collecting or using waters from or upon that part of the said moor which is outside the watershed of the valleys of the Reaps Water and Graining Water for the purposes or as part of their water undertaking authorised by this or any other Act :

- (2) The Corporation shall construct maintain and keep the aqueducts catchwaters conduits or lines of pipes authorised by this Act so far as they are constructed through or upon the Savile Estate watertight and the Corporation shall from time to time make good any damage done or which may occur to the Savile Estate or the owner or his tenants :
- (3) No temporary huts or erections which shall be required by the Corporation for the dwelling accommodation of overseers servants workmen navvies and other persons employed during the construction of the said works shall be erected on any part of the Savile Estate except in some convenient place or places to be reasonably approved by the owner or his agent :
- (4) The Corporation shall not under the powers of this Act erect or maintain any wires upon or over lands forming part of the Savile Estate except in such positions and in such manner

A.D. 1922.

as may be reasonably approved by the owner or his agent:

- (5) In the case of any uncovered catchwater or conduit to be constructed under the powers of this Act in respect of works numbered 3 and 5 on the lands now forming part of the Savile Estate the Corporation shall to the reasonable satisfaction of the owner or his agent—

(a) construct and maintain such number of passages over the same not less than one in every 500 yards of the length of each such catchwater or conduit and not of a less width than 6 feet each as may be necessary for the convenient use and enjoyment of the rights reserved to the owner;

(b) construct and maintain such catchwater or conduit so that the same shall not at any part of its length have a greater width at the bottom than 5 feet and shall have at intervals along its length not exceeding in any case 150 yards roughened slopes or flights of stone steps of a gradient of not less than at a rate of 2 feet vertically to 5 feet horizontally from top to bottom one on each side and facing each other and recessed in the embankments and of reasonable width with 12-inch treads and  $4\frac{1}{2}$ -inch risers and so that the lowest step shall project beyond the face or side of the catchwater or conduit or construct such works as may hereafter be agreed between the owner and the Corporation:

- (6) If any difference shall arise between the Corporation and the owner with regard to any of the provisions of this section including the amount of the purchase price to be paid by the Corporation to the owner under subsection (1) of this section such difference shall be referred to and determined on the application of either party by a single arbitrator to be appointed by the President of the Land Agents' Society and the provisions of the Arbitration Act 1889 shall apply to any such reference. Such arbitrator in assessing the amount of the purchase price



shall act in accordance with the rules laid down A.D. 1922.  
by section 2 of the Acquisition of Land (Assess-  
ment of Compensation) Act 1919.

**31.** For the protection of the rural district council of Todmorden (in this section referred to as "the council") the following provisions shall apply and have effect unless otherwise agreed between the council and the Corporation (that is to say):—

For protec-  
tion of  
Todmorden  
Rural  
District  
Council.

- (1) Before commencing such haulage of materials and things for the execution of the works by this Act authorised as would amount to extraordinary traffic or traffic of excessive weight on or over any roads repairable by the council the Corporation shall give notice in writing to the surveyor for the time being of the council of the route along which such haulage is to take place and so far as may be reasonably practicable shall comply with his directions in respect thereof and will if so required by the council during the period of such haulage take over maintain and repair the said roads (or such portion thereof as the council may require) including the supports and retaining walls thereof at the expense of the Corporation but to the reasonable satisfaction and under the superintendence of the said surveyor and after such haulage is completed shall hand over the said roads to the council in as good a condition as they were in before such haulage was commenced:
- (2) In respect of any portion of the said roads which the council do not require the Corporation to take over maintain and repair the Corporation shall on demand pay to the council the reasonable costs which the council may incur in the maintenance repair and reinstatement to its former condition of so much of any road including the supports and retaining walls thereof as may be injured or damaged by traction engines or other vehicular traffic of an extraordinary nature or of excessive weight or by reason of the traffic being concentrated thereon during the construction alteration or repair of the works by this Act authorised:

A.D. 1922.

- (3) If any difference arises under the provisions of this section between the council and the Corporation the same shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of  
London and  
North  
Western  
Railway  
Company.

**32.** The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any of the works authorised by the section of this Act whereof the marginal note is "Application of Waterworks Clauses Act 1847 to aqueducts &c." upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be



in any way owing to any of the acts operations matters and things aforesaid or the bursting or leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the said railway company :

A.D. 1922.  
—

Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

**33.** Nothing in this Act contained shall take away alter lessen or prejudice any of the rights privileges and authorities now vested in or used or exercised by the company of proprietors of the Calder and Hebble Navigation but all such rights privileges and authorities may be had exercised and enjoyed as if this Act had not been passed.

Saving rights of company of proprietors of Calder and Hebble Navigation.

**34.** Subject to the provisions of this Act the water-works to be constructed under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation as authorised under the Corporation Acts and Orders.

Works to form part of water undertaking.

#### PART IV.

##### FINANCE AND MISCELLANEOUS.

**35.—**(1) The Corporation may from time to time independently of any other borrowing power borrow at interest on the security of the revenues of the Corporation and for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period")

Power to borrow.

[Ch. lxvi.] *Halifax Corporation* [12 & 13 GEO. 5.]  
Act, 1922.

A.D. 1922. mentioned in the third column of the said table  
(namely) :—

Purpose.	Amount.	Period for Repayment.
(a) For and in connexion with the purchase of lands and easements for and the construction of the water-works authorised by this Act.	£588,000	Seventy years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

Application  
of sections  
of local Acts  
as to bor-  
rowing.

**36.** The following sections of the following Acts shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed by the Corporation under this Act namely :—

OF THE ACT OF 1888.

Section 34 (Mode of raising moneys);  
Section 39 (Protection of lender from inquiry).

OF THE ACT OF 1898.

Section 42 (Application of money borrowed);  
Section 44 (Sinking fund).

OF THE ACT OF 1902.

Section 94 (Provisions as to mortgages);  
Section 95 (Mode of payment off of money borrowed);  
Section 102 (Expenses of execution of Act).

OF THE ACT OF 1911.

Section 104 (Corporation not to regard trusts):



Provided that notwithstanding anything in section 44 (Sinking fund) of the Act of 1898 it shall not be obligatory upon the Corporation to pay the first instalment of principal or to make the first payment to the sinking fund for the repayment of money borrowed for the purposes (a) mentioned in the section of this Act of which the marginal note is "Power to borrow" until the completion of the work for or in connexion with which the money is borrowed or the expiration of fifteen years from the date or dates of borrowing the money whichever shall be the earlier. Provided also that in the application of the said section 44 to the purposes of this Act that section shall have effect as though three and a half per centum per annum or such other rate as the Minister of Health may from time to time approve were therein mentioned instead of three per centum per annum. A.D. 1922.

**37.** The following sections of the following Acts are incorporated with this Act and shall subject to the provisions of this Act apply as if the same with the necessary modifications were set out in this Act namely :—

Incorporation of certain sections of local Acts.

#### OF THE ACT OF 1902.

- Section 117 (Persons acting in execution of Act not to be personally liable);
- Section 119 (Inquiries by Local Government Board);
- Section 121 (Authentication and service of notices &c.);
- Section 122 (Powers of Act cumulative);
- Section 123 (Informations by whom to be laid);
- Section 124 (As to committees);
- Section 125 (Compensation how to be determined);
- Section 126 (As to appeal);
- Section 127 (Recovery of penalties &c);
- Section 128 (Penalties to be paid over to treasurer);
- Section 129 (Damages and charges to be settled by justices);
- Section 131 (Audit of accounts).

#### OF THE ACT OF 1905.

- Section 65 (As to breach of conditions of consent of Corporation);
- Section 67 (Crown rights).

[Ch. lxvi.]      *Halifax Corporation* [12 & 13 GEO. 5.]  
Act, 1922.

A.D. 1922.

OF THE ACT OF 1911.

Section 116 (Evidence of appointments authority  
&c);

Section 118 (Consent of Corporation to be in  
writing);

Section 120 (Recovery of demands);

Section 121 (Saving for indictments &c.); and

Section 124 (Judges not disqualified):

Provided that for the purposes of this Act subsection  
(2) of section 119 of the Act of 1902 shall have effect as  
if the words "not exceeding three guineas a day" were  
omitted therefrom.

Costs of  
Act.

**38.** The costs charges and expenses preliminary and  
of and incidental to preparing obtaining and passing  
this Act as taxed by the taxing officer of the House of  
Lords or of the House of Commons shall be paid by the  
Corporation.

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