



## CHAPTER lxxvii.

An Act to transfer to the Corporations of Oldham and Rochdale as part of their water undertakings certain waterworks rights and powers of the Rochdale Canal Company to empower the said Corporations to construct new waterworks and for other purposes.

A.D. 1923.

[31st July 1923.]

**W**HEREAS by the Rochdale Canal Acts 1794 to 1899 the Rochdale Canal Company (hereinafter referred to as "the company") was incorporated and powers were conferred upon it to make and maintain a navigable canal and cuts and works and conveniences connected therewith and to make and use in and upon the moors or commons called Blackstone Edge or any inclosed lands within the distance of three hundred yards from the said moors or commons and also in or upon any lands adjoining or near to Hollingworth Brook and its feeders and Chelburn Brook such and so many reservoirs for the purpose of supplying the said canal and cuts with water as the company should think proper:

And whereas by the said Acts further powers were conferred upon the company to make the necessary subsidiary works in connection with the said reservoirs:

And whereas in pursuance of the said powers the company has made the said canal and cuts and works and conveniences connected therewith and has constructed eight reservoirs known respectively as the Blackstone Edge Reservoir the Light Hazzles Reservoir the Whiteholme Reservoir the Warland Reservoir the

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. Hollingworth Lake Reservoir the Higher Chelburn Reservoir the Lower Chelburn Reservoir and the Easterly Gaddings Dam together with all necessary subsidiary works :

And whereas the quantity of water available to the company is more than is required for affording a full and sufficient supply of water for the purposes of the said canal and for the supply of statutory compensation water to the streams :

And whereas the mayor aldermen and burgesses of the borough of Oldham (hereinafter referred to as "the Oldham Corporation") and the mayor aldermen and burgesses of the borough of Rochdale (hereinafter referred to as "the Rochdale Corporation") are by the Acts and Orders relating to their respective water undertakings charged with the duty of supplying water within the limits prescribed by those Acts and Orders respectively :

And whereas the Oldham Corporation and the Rochdale Corporation are each in urgent need of a further supply of water to enable them to carry out their statutory duties of supplying water :

And whereas the company has agreed subject to and upon the terms and conditions in this Act contained to sell and transfer to the Oldham Corporation and the Rochdale Corporation the works and lands and other property and rights in this Act mentioned in order that water not required for affording a full and sufficient supply for the purposes of the said canal and for the supply of statutory compensation water to the streams may be taken and used by the Oldham Corporation and the Rochdale Corporation for the purposes of their respective water undertakings :

And whereas it is expedient that the said works and lands and other property and rights should be transferred to and vested in the Oldham Corporation and the Rochdale Corporation upon the terms and conditions in this Act contained :

And whereas it is expedient that the Oldham Corporation and the Rochdale Corporation should be empowered to construct certain new waterworks in connection with the said works so to be transferred as by this Act provided and that a joint managing committee of

[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

the said Corporations should be established for the purposes in this Act in that behalf mentioned: A.D. 1923.

And whereas estimates have been prepared in relation to the following purposes in respect of which the Oldham Corporation and the Rochdale Corporation are by this Act authorised to borrow money and such estimates are as follows:—

|   | £       |
|---|---------|
| For the purchase of the works lands property and rights of the company by this Act transferred - - - -  | 396,667 |
| For the purchase of other lands property and easements and for the construction of works by this Act authorised to be acquired or constructed by the Oldham Corporation - - - -       | 168,956 |
| For the purchase of other lands and easements and for the construction of works by this Act authorised to be acquired or constructed by the Rochdale Corporation - - - -              | 81,000  |
| For the purchase of other lands and for the construction of works by this Act authorised to be acquired or constructed jointly by the Oldham Corporation and the Rochdale Corporation | 196,218 |

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

And whereas it is expedient that the other powers contained in this Act should be conferred:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and 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:



[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5  
*Corporations Water Act, 1923.*

A.D. 1923.

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 :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Oldham and Rochdale Corporations Water Act 1923.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Transfer of portions of Rochdale Canal undertaking.

Part III.—Works and lands.

Part IV.—Joint managing committee.

Part V.—Finance.

Incorporation of Acts.

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

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 ;

(2) The Waterworks Clauses Acts 1847 and 1863 ; and

(3) 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 for the purposes of this Act such provisions shall have effect as if the works by this Act authorised were referred to in lieu of “ the railway ” and as if the boundaries of the tanks or reservoirs and the centres of the aqueducts roads and embankment respectively were referred to in lieu of “ the centre of the railway.”

[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall have in relation to the relative subject matter the same respective meanings And the expressions—

A.D. 1923.

Interpreta-  
tion.

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

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

“The two Corporations” means the Oldham Corporation and the Rochdale Corporation;

“The Joint Committee” means the Oldham and Rochdale Water Joint Managing Committee by this Act established;

“The company” means the Rochdale Canal Company;

“The canal” means the canal of the company;

“The Blackstone Edge and Whiteholme works” means the Blackstone Edge and the Whiteholme reservoirs and all embankments catchwater drains culverts watercourses conduits pipe-lines apparatus valves shuttles and other works in connection therewith (except so much of the Whiteholme catchwater drain as lies to the north of a point 78·1 chains measured in a northerly direction along that drain from its entrance into the Whiteholme reservoir) all existing facilities for the deposit of silt from the said reservoirs and all lands easements and premises appertaining to the same respectively and belonging to or controlled by the company;

“The Light Hazzles and Warland works” means the Light Hazzles and the Warland reservoirs and all embankments catchwater drains culverts watercourses conduits pipe-lines apparatus valves shuttles and other works in connection therewith so much of the Whiteholme catchwater drain as is excepted from the Blackstone Edge and Whiteholme works all existing facilities for the deposit of silt from the Light Hazzles and the Warland reservoirs and all lands easements and premises appertaining to the same respectively and belonging to or controlled by the company;



[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.  
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“The Hollingworth and Chelburn works” means the Hollingworth Lake the Higher Chelburn and the Lower Chelburn Reservoirs and the Easterly Gaddings Dam and all embankments catchwater drains culverts watercourses conduits pipe-lines apparatus valves shuttles and other works in connection therewith all existing facilities for the deposit of silt from the said reservoirs and dam and all lands easements and premises appertaining to the same respectively and belonging to or controlled by the company;

“The Blackstone Edge and Whiteholme water rights” means all water rights of the company in the drainage areas of the Blackstone Edge and Whiteholme works;

“The Light Hazzles and Warland water rights” means all water rights of the company in the drainage areas of the Light Hazzles and Warland works;

“The Hollingworth and Chelburn water rights” means all water rights of the company in the drainage areas of the Hollingworth and Chelburn works;

“The date of transfer” means the first day of October one thousand nine hundred and twenty-three;

“The Act of 1794” means the Rochdale Canal Act 1794;

“The Act of 1800” means the Rochdale Canal Act 1800; and

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough of Oldham or of the borough of Rochdale as the case may be.

PART II.

TRANSFER OF PORTIONS OF ROCHDALE CANAL  
UNDERTAKING.

Transfer of  
portion of  
undertaking  
of company

5. Subject to the provisions of this Act on the date of transfer there shall by virtue of this Act be transferred from the company to and vested in the Oldham Corporation as part of their water undertaking

[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

freed and discharged from all debts liabilities and encumbrances except as in this section provided (that is to say) :—

A.D. 1923.  
 —  
 to Oldham  
 Corpora-  
 tion.

- (a) The Blackstone Edge and Whiteholme works;
- (b) The Blackstone Edge and Whiteholme water rights;
- (c) The benefits conferred and the obligations imposed upon the company by all agreements relating to the Blackstone Edge and Whiteholme works and the Blackstone Edge and Whiteholme water rights so far as they relate to such works and rights;
- (d) All property rights powers liberties privileges and authorities whatsoever of the company or to which it is entitled at law or in equity (other than under the Rochdale Canal Acts 1794 to 1899) in or relating to the Blackstone Edge and Whiteholme works and the Blackstone Edge and Whiteholme water rights;
- (e) All rights and powers conferred and obligations and duties imposed upon the company in respect of the Blackstone Edge and Whiteholme works and the Blackstone Edge and Whiteholme water rights—

(i) by sections 1 13 17 40 41 and 72 of the Act of 1794 and by sections 32 and 34 of the Act of 1800; and

(ii) by sections 12 15 and 16 of the Act of 1794 in so far as those sections relate to the gauge situate at the top of Whiteholme Clough and to the discharge thereby of water into the River Roach or the River Calder as the case may be;

all of which sections of the Act of 1794 and the Act of 1800 are set forth in the First Schedule to this Act.

6. Subject to the provisions of this Act on the date of transfer there shall by virtue of this Act be transferred from the company to and vested in the Rochdale Corporation as part of their water undertaking freed and discharged from all debts liabilities and

Transfer of  
 portion of  
 undertaking  
 of company  
 to Rochdale  
 Corporation.



[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. encumbrances except as in this section provided (that is to say) :—

- (a) The Light Hazzles and Warland works;
- (b) The Light Hazzles and Warland water rights;
- (c) The benefits conferred and the obligations imposed upon the company by all agreements relating to the Light Hazzles and Warland works and the Light Hazzles and Warland water rights so far as they relate to such works and rights;
- (d) All property rights powers liberties privileges and authorities whatsoever of the company or to which it is entitled at law or in equity (other than under the Rochdale Canal Acts 1794 to 1899) in or relating to the Light Hazzles and Warland works and the Light Hazzles and Warland water rights;
- (e) All rights and powers conferred and obligations and duties imposed upon the company in respect of the Light Hazzles and Warland works and the Light Hazzles and Warland water rights—

(i) by sections 1 13 17 40 41 and 72 of the Act of 1794 and by sections 32 and 34 of the Act of 1800; and

(ii) by sections 12 15 and 16 of the Act of 1794 in so far as those sections relate to the gauge situate at Warland Clough and to the discharge thereby of water into the River Roach or the River Calder as the case may be;

all of which sections of the Act of 1794 and the Act of 1800 are set forth in the First Schedule to this Act:

Provided that the Rochdale Corporation shall not take over or assume the obligations and duties imposed upon the company by the said sections and agreements in respect of any water rights referred to in the section of this Act of which the marginal note is “ Saving certain rights of company.”

Transfer of  
portion of

7. Subject to the provisions of this Act on the date of transfer there shall by virtue of this Act be



transferred from the company to and vested in the two Corporations jointly as part of their respective water undertakings freed and discharged from all debts liabilities and encumbrances except as in this section provided (that is to say) :—

A.D. 1923.  
—  
undertaking  
of company  
to two Cor-  
porations.

- (a) The Hollingworth and Chelburn works;
- (b) The Hollingworth and Chelburn water rights;
- (c) The benefits conferred and the obligations imposed upon the company by all agreements relating to the Hollingworth and Chelburn works and the Hollingworth and Chelburn water rights so far as they relate to such works and rights;
- (d) All property rights powers liberties privileges and authorities whatsoever of the company or to which it is entitled at law or in equity (other than under the Rochdale Canal Acts 1794 to 1899) in or relating to the Hollingworth and Chelburn works and the Hollingworth and Chelburn water rights;
- (e) The water rights of the company (other than the Blackstone Edge and Whiteholme water rights and the Light Hazzles and Warland water rights) over so much of the moors or commons called Blackstone Edge and of any inclosed lands within the distance of three hundred yards from the said moors or commons and of any lands adjoining or near to Hollingworth Brook and its feeders and Chelburn Brook as are situate on the easterly side of the canal and are bounded on the north by the Warland drain of the company situate on Withens Moor in the urban district of Mytholmroyd and by Langfield Common to the south of Lumbutts in the borough of Todmorden and on the south by the boundary between the urban districts of Littleborough and Milnrow subject to the limitations contained in section 19 (Adjustment of rights as between the Corporation and the Rochdale Canal Company) of the Morley Corporation Water Act 1890;
- (f) The existing lines of pipes and other works connecting the canal with the Hollingworth

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

Lake and Lower Chelburn Reservoirs and the works in connection therewith;

- (g) The freehold land and premises with outbuildings known as the Lake Hotel situate at or near the Hollingworth Lake Reservoir;
- (h) The freehold land and premises with outbuildings known as the Coach and Horses Hotel situate on Blackstone Edge adjoining the Halifax Road;
- (i) All rights and powers conferred and obligations and duties imposed upon the company in respect of the Hollingworth and Chelburn works and the Hollingworth and Chelburn water rights and the water rights of the company mentioned in paragraph (e) of this section :—

(i) by sections 1 6 17 40 41 and 72 of the Act of 1794 and by sections 32 and 34 of the Act of 1800;

(ii) by an agreement as to the Easterly Gaddings Dam dated the twenty-seventh day of November one thousand eight hundred and twenty-four made between representatives of the company and certain mill-owners; and

(iii) by sections 12 15 and 16 of the Act of 1794 in so far as those sections relate to the following gauges (namely) that at the junction of Hollingworth Brook and Longden End Brook that at the Hollingworth Brook situate at the foot of the eastern embankment of Hollingworth Lake and that situate at the east of the Lower Chelburn Reservoir near the brick and tile works and to the discharge thereby of water into the River Roach;

all of which sections of the Act of 1794 and the Act of 1800 are set forth in the First Schedule to this Act :

Provided that the Oldham Corporation and the Rochdale Corporation shall not take over or assume the obligations and duties imposed upon the company



by the said sections and agreements in respect of any water rights referred to in the section of this Act of which the marginal note is "Saving certain rights of company." A.D. 1923.  
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8. Nothing contained in this Act shall transfer to the two Corporations or either of them or in any way affect the water rights of the company below the drainage areas of the existing reservoirs of the company in connection with the following streams (that is to say) :— Saving certain rights of company.

- (a) Calf Lee Clough from Warland Drain to the millowners' gauge at East Summit so far as the water naturally flowing therein shall from time to time exceed the quantity of water required to be discharged through the gauge to be provided under the section of this Act of which the marginal note is "For protection of certain millowners in Todmorden";
- (b) Long Lees Clough;
- (c) Light Hazzles Brook west of the drainage areas of the Higher Chelburn and the Lower Chelburn Reservoirs;
- (d) Hollingworth Drain from Wrigley Head to West Summit;
- (e) Castle Clough delivering at Pike House;
- (f) Sun Drain delivering at Clegg Hall; and
- (g) Allenden Water or Owler Clough.

9.—(1) In consideration of the transfer of portions of the undertaking of the company under the foregoing provisions of this Act there shall be paid to the company the sum of three hundred and ninety-six thousand six hundred and sixty-six pounds thirteen shillings and fourpence payable at the times and in the manner following (that is to say) :— Consideration for transfer of portions of undertaking of company.

- (a) on the date of transfer the sum of one hundred and thirty-one thousand two hundred and thirteen pounds by the Oldham Corporation and the sum of sixty-seven thousand one hundred and twenty pounds six shillings and eightpence by the Rochdale Corporation;
- (b) on the first day of October one thousand nine hundred and twenty-four the sum of sixty-five

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

thousand two hundred and seventeen pounds ten shillings by the Oldham Corporation and the sum of thirty-three thousand nine hundred and forty-nine pounds three shillings and fourpence by the Rochdale Corporation; and

- (c) on the first day of October one thousand nine hundred and twenty-five the sum of sixty-five thousand two hundred and seventeen pounds ten shillings by the Oldham Corporation and the sum of thirty-three thousand nine hundred and forty-nine pounds three shillings and fourpence by the Rochdale Corporation.

(2) All money paid to the company under this section may be applied by the company to any purpose of the undertaking of the company to which capital is properly applicable unless Parliament shall hereafter otherwise direct.

Two Corporations to discharge water into canal.

10.—(1) From and after the date of transfer the two Corporations in addition to any other compensation water which they or either of them are required to discharge out of any of the reservoirs transferred to them by this Act shall unless prevented by act of God or inevitable accident subject as hereinafter provided discharge and deliver into the canal from the Hollingworth Lake Reservoir and the Lower Chelburn Reservoir respectively on every day of twenty-four hours such quantities of water as may from time to time be directed by the company Provided that—

- (a) During the period from the first day of November in any year to the thirtieth day of April in the next following year the two Corporations shall not be required to discharge or deliver into the canal :—

From the Hollingworth Lake Reservoir—

(i) in any period of forty-two consecutive days more than seventy-eight million seven hundred and fifty thousand gallons; or

(ii) in any period of seven consecutive days more than eighteen million seven hundred and fifty thousand gallons; or



From the Lower Chelburn Reservoir—

A.D. 1923.

(i) in any period of forty-two consecutive days more than forty-five million gallons; or

(ii) in any period of seven consecutive days more than eleven million two hundred and fifty thousand gallons:

(b) during the period from the first day of May in any year to the thirty-first day of October in the same year the two Corporations shall not be required to discharge or deliver into the canal—

From the Hollingworth Lake Reservoir—

(i) more than three hundred and forty-five million gallons; or

(ii) in any period of seven consecutive days more than thirty million gallons; or

From the Lower Chelburn Reservoir—

(i) more than one hundred and ninety-eight million gallons; or

(ii) in any period of seven consecutive days more than twenty million gallons.

(2) The water to be discharged or delivered into the canal from the Hollingworth Lake Reservoir shall be gauged or measured at the foot of the northern embankment of that reservoir and the water to be discharged or delivered into the canal from the Lower Chelburn Reservoir shall be gauged or measured at the foot of the embankment of that reservoir. All water to be discharged or delivered as aforesaid shall be so discharged or delivered by means of independent channels to be provided and maintained by the two Corporations to the reasonable satisfaction of the company extending from the said gauges respectively to the canal.

(3) In case of an emergency arising by reason of accident on or to the canal the two Corporations unless prevented by circumstances beyond their control shall on the demand of the company discharge or deliver into the canal at one or more of the said points from the Hollingworth Lake and the Lower Chelburn Reservoirs or either of them as required by the company such an additional quantity of water not exceeding eleven million two hundred and fifty thousand gallons

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. — as the company may specify in any such demand. Provided always that within the six months next following the date on which any such additional quantity of water is so discharged or delivered the aggregate quantity of water to be discharged or delivered under subsection (1) of this section shall be reduced by the additional quantity so discharged or delivered in such manner and proportions and at such times as may be agreed between the company and the two Corporations or as failing such agreement may be determined by arbitration as hereinafter in this section provided.

(4) For the purpose of measuring the quantities of water to be so discharged or delivered into the canal the two Corporations shall at their own expense provide and thereafter maintain at each of the said points mentioned in subsection (2) of this section a proper and suitable automatic measuring gauge over or through which the said quantities of water shall flow and the same shall at all reasonable times be open to the inspection and examination of the company and the two Corporations shall within seven days after the expiration of each successive period of forty-two consecutive days send to the company at their principal office particulars of the daily records of the said gauges during that period.

(5) The two Corporations shall at their own expense maintain in good repair and condition the lines of pipes and other works connecting the canal with the Hollingworth Lake and Lower Chelburn Reservoirs and the works in connection therewith and the existing valves and any other existing apparatus for the discharge of water from the reservoirs in accordance with the provisions of this section.

(6) If the two Corporations fail to discharge water into the canal in accordance with the provisions of this section the two Corporations shall for every one thousand gallons of water not supplied pay to the company as and by way of liquidated damages the sum of one shilling.

(7) If any difference arises between the two Corporations or either of them and the company under this section such difference shall be referred to an arbitrator to be agreed between the parties or failing agreement to be nominated by the President



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1923.  
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11. All water from time to time available to the two Corporations in pursuance of the provisions of the section of this Act of which the marginal note is "Transfer of portion of undertaking of company to two Corporations" and not required to be discharged or delivered into the canal or any stream in accordance with this Act may from time to time be taken appropriated and used by the two Corporations for the purposes of their respective water undertakings in the proportion of fifteen twenty-thirds by the Oldham Corporation and eight twenty-thirds by the Rochdale Corporation. As to surplus water of two Corporations.

12. The provisions of section 105 of the Act of 1794 and of section 1 of the Rochdale Canal Act 1807 and of any other local Act which relates to the rating or assessment for rating of the works lands and properties of the company shall as from the date of transfer cease to have effect with regard to the works lands and properties by this Act transferred to the two Corporations or either of them : Cesser of provisions as to rating.

Provided that notwithstanding anything contained in this Act so long as the said provisions shall continue to have effect with regard to the canal they shall also continue to have effect with regard to (a) the Hollingworth Lake the Higher Chelburn and the Lower Chelburn Reservoirs but only so long as the said reservoirs shall be reserved either exclusively for use for the purposes of the section of this Act of which the marginal note is "Two Corporations to discharge water into canal" or for those purposes and for the supply of statutory compensation water to streams and watercourses and (b) any other works lands and properties by this Act transferred to the two Corporations or either of them but only so long as the same shall be reserved either exclusively for use for the purposes of discharging water or of collecting water for discharge into the canal for the purpose of navigation or for those purposes and for the supply of statutory compensation water to streams and watercourses.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

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Receipt for  
purchase  
money.

**13.** The receipt in writing of two directors of the company for any money paid to the company shall effectually discharge the Oldham Corporation or the Rochdale Corporation as the case may be from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and if from any cause the Oldham Corporation or the Rochdale Corporation as the case may be are unable to obtain any such receipt from the said directors they may pay the money due to the Company into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Oldham Corporation or the Rochdale Corporation as the case may be by the cashier of the said bank for the money which shall have the same effect as the receipt of such directors.

Actions &c.  
not to abate.

**14.** If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer of portions of the undertaking of the company by this Act authorised but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not passed.

Books &c.  
to remain  
evidence.

**15.** All books and documents which if the transfer of portions of the undertaking of the company by this Act authorised had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Oldham Corporation the Rochdale Corporation or the two Corporations as the case may be.

Provisions  
as to ordi-  
nary meet-  
ings and  
directors of  
company.

**16.**—(1) Section 10 (First meeting of company) and section 11 (Future ordinary meetings) of the Rochdale Canal Act 1899 are hereby repealed.

(2) The first ordinary meeting of the company after the passing of this Act shall be held in the month of



13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

February one thousand nine hundred and twenty-four A.D. 1923.  
and subsequent ordinary meetings of the company shall  
be held in the month of February in each year or at such  
other time as the company shall from time to time in  
general meeting determine.

(3) Anything which under the Rochdale Canal  
Acts 1794 to 1899 or the Acts incorporated therewith is  
authorised or required to be done at an ordinary meeting  
of the company to be held at the times specified in  
those Acts may be and shall be done at the annual  
ordinary meeting of the company held pursuant to  
this Act.

(4) The directors of the company may if it appears  
to them that the profits of the company are sufficient  
declare and pay an interim dividend for the first half  
of any year notwithstanding that the accounts are not  
audited for the half-year and that a statement of accounts  
and balance sheet for the half-year is not submitted to  
the shareholders and may close their register and books of  
transfer before the date on which the interim dividend  
is declared in the same manner and for the same time  
and subject to the same provisions as they may close  
their register or books before the date on which their  
ordinary dividend is declared or before the date of their  
ordinary meeting.

(5) Section 14 (Number of directors) of the Rochdale  
Canal Act 1899 shall be read and have effect as if the  
word "five" were inserted therein in lieu of the word  
"nine."

(6) Section 16 (Quorum of directors) of the Rochdale  
Canal Act 1899 is hereby repealed and the quorum of  
a meeting of directors of the company shall be three.

17. The company shall so soon as practicable after  
the passing of this Act put and thereafter keep in good  
repair the canal and all works connected therewith  
so as to reduce to the utmost practicable extent the  
leakage of water from the canal or from any reach of  
the canal and shall (unless and until Parliament shall  
otherwise determine) maintain the canal and the said  
works in such efficient repair and condition as to enable  
vessels having a draught of four feet to navigate the  
canal.

As to main-  
tenance of  
canal.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

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For protec-  
tion of  
Manchester  
Ship Canal  
Company.

18. For the protection of the Manchester Ship Canal Company (in this section referred to as "the ship canal company") the following provisions shall unless otherwise agreed in writing between the ship canal company and the two Corporations apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act the two Corporations shall not be entitled to take for the purposes of their respective water undertakings any water from any of the reservoirs transferred to them by this Act so as to impair their ability to comply with the provisions of the section of this Act of which the marginal note is "Two Corporations to discharge water into canal":
- (2) The two Corporations shall at all times after the date of transfer maintain and keep the reservoirs transferred to them by this Act in such good and efficient repair and condition as to enable them to comply with their obligations under the provisions of the said section of this Act:
- (3) The automatic measuring gauges referred to in subsection (4) of the said section shall at all reasonable times be open to the inspection and examination of the ship canal company and the two Corporations shall within seven days after the expiration of each successive period of forty-two consecutive days send or deliver to the ship canal company at their principal office particulars of the daily records of the said gauges during that period or accurate copies of such records:
- (4) If any difference arises between the ship canal company and the two Corporations or either of them under the provisions of this section such difference shall be referred to an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.



19. For the further protection of the Manchester Ship Canal Company (in this section referred to as "the ship canal company") the following provisions shall unless otherwise agreed in writing between the ship canal company and the company apply and have effect (that is to say):—

A.D. 1923.  
—  
For further protection of Manchester Ship Canal Company.

- (1) The company shall so exercise and use the water rights reserved to them by the section of this Act of which the marginal note is "Saving certain rights of company" as to secure the flow into the canal from the streams referred to in that section of the greatest practicable quantity of water (other than storm water) and shall cause such water to flow either into the Summit Pool of the canal or into a reach or reaches of the canal situate westward of the said Summit Pool:
- (2) The company shall as soon as practicable after the passing of this Act lower the sill of the East Summit Lock of the canal to the same level as that of the sill of the West Summit Lock of the canal and shall dredge and at all times keep dredged the said Summit Pool so that the level of the bed of that pool is not at any point above the level of the sill of the said West Summit Lock:
- (3) The company shall as soon as practicable after the passing of this Act put into good repair all locks and works on the canal so as to reduce to the utmost practicable extent the leakage of water from the canal or from any reach of the canal and shall at all times maintain and keep in good repair for that purpose all such locks and works as aforesaid:
- (4) The company shall (subject to their own reasonable requirements) from time to time comply with the reasonable requirements of the ship canal company in regard to the giving by the company of directions as to the quantity of water to be from time to time discharged into the canal by the two Corporations pursuant to the section of this Act of which the marginal note is "Two Corporations to discharge water into canal":

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.  
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- (5) The company shall except in case of accident cause to flow into a reach or reaches of the canal westward of the said Summit Pool as nearly as practicable one-half of any quantity of water discharged or flowing out of that pool over and above the quantity used for the lockage of vessels into or out of that pool or in the course of necessary repairs :
- (6) Except in times of flood the company shall cause to flow or be discharged into the Bridgewater Canal at Castlefield Lock all water discharged or flowing or caused to flow from the said Summit Pool or from any other source into any reach of the canal westward of that pool under any of the provisions of this Act other than any quantity of such water which may be sold by the company under the provisions of section 37 (As to sale of water) of the Rochdale Canal Act 1899 or which may be lost by evaporation or accident :
- (7) Forthwith after the receipt by the company of ~~any sum paid~~ to them pursuant to the section of this Act of which the marginal note is "Consideration for transfer of portions of undertaking of company" the company shall pay to the ship canal company one-quarter of the sum so received :
- (8) Forthwith after the receipt by the company of any sum paid to them pursuant to subsection (6) of the section of this Act of which the marginal note is "Two Corporations to discharge water into canal" the company shall pay to the ship canal company one-half of the sum so received :
- (9) If any difference arises between the ship canal company and the company under subsections (1) (3) (4) and (5) of this section or any of those subsections such difference shall be referred to an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference :



- (10) Save as in this Act expressly provided nothing therein shall prejudice or affect any of the rights or powers of the ship canal company (whether conferred upon that company or upon their predecessors in title) under the provisions of any Act relating to the company. A.D. 1923.

20. For the protection of the company of proprietors of the Calder and Hebble Navigation and the undertakers of the Aire and Calder Navigation (in this section referred to together as "the two navigations") the following provisions shall unless otherwise agreed in writing between each of the two navigations and the two Corporations apply and have effect (that is to say):—

For protection of Calder and Hebble and Aire and Calder Navigations.

- (1) Notwithstanding anything contained in this Act the two Corporations shall not be entitled to take for the purposes of their respective water undertakings any water from any of the reservoirs transferred to them by this Act so as to impair their ability to comply with the provisions of the section of this Act of which the marginal note is "Two Corporations to discharge water into canal":
- (2) The two Corporations shall at all times after the date of transfer maintain and keep the reservoirs transferred to them by this Act in such good and efficient repair and condition as to enable them to comply with their obligations under the provisions of the said section of this Act:
- (3) The two Corporations shall discharge into the Summit Pool of the canal the whole of the quantities of water which they are required to discharge and deliver into the canal from the Lower Chelburn Reservoir pursuant to the said section of this Act:
- (4) The automatic measuring gauge to be provided under subsection (4) of the said section of this Act for measuring the quantities of water to be discharged into the said Summit Pool from the Lower Chelburn Reservoir shall at all reasonable times be open to the inspection and examination of any person authorised in writing

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

by the two navigations or either of them and the two Corporations shall within seven days after the expiration of each successive period of forty-two consecutive days send or deliver to each of the two navigations at their respective principal offices particulars of the daily records of the said gauge during that period or accurate copies of such records :

- (5) If any difference arises between the two navigations or either of them and the two Corporations or either of them under the provisions of this section such difference shall be referred to an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

For further protection of Calder and Hebble and Aire and Calder Navigations.

**21.** For the further protection of the company of proprietors of the Calder and Hebble Navigation and the undertakers of the Aire and Calder Navigation (in this section referred to together as "the two navigations") the following provisions shall unless otherwise agreed in writing between each of the two navigations and the company apply and have effect (that is to say):—

- (1) The company shall (subject to their own reasonable requirements) from time to time comply with the reasonable requirements of the two navigations in regard to the giving by the company of directions as to the quantity of water to be from time to time discharged by the two Corporations into the canal from the Lower Chelburn Reservoir pursuant to the section of this Act of which the marginal note is "Two Corporations to discharge water into canal":
- (2) The company shall so exercise and use the water rights reserved to them by the section of this Act of which the marginal note is "Saving certain rights of company" as to secure the flow into the said Summit Pool from the Hollingworth Drain of as much water as practicable and from the other streams referred to in that



section of the greatest practicable quantity of water (other than storm water) which would naturally flow into the Summit Pool if the flow of such water were not interfered with or diverted by any works : A.D. 1923.  
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- (3) The company shall except in case of accident cause to flow into a reach or reaches of the canal eastward of the said Summit Pool as nearly as practicable one-half of any quantity of water discharged or flowing out of that pool over and above the quantity used for the lockage of vessels into or out of that pool or in the course of necessary repairs :
- (4) The company shall so soon as practicable after the passing of this Act put and thereafter keep in good repair the canal and all works connected therewith so as to reduce to the utmost practicable extent the leakage of water from the canal or from any reach of the canal and shall maintain the canal and the said works in such efficient repair and condition as to enable vessels having a draught of four feet to navigate the canal The company shall also as soon as practicable after the passing of this Act carry out such alterations to the lock gates and other works at each end of the said Summit Pool as will secure that the provisions of this and the two precedings subsections of this section shall be complied with : .
- (5) If any difference arises between the two navigations or either of them and the company under this section the difference shall be referred to an arbitrator to be appointed failing agreement on the application of either party (after notice in writing to the other or others of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

22. The Mersey and Irwell Joint Committee shall be entitled at all convenient times to inspect and examine the gauges over or through which compensation water to streams within the jurisdiction of the said committee is discharged in pursuance of the Rochdale Canal Acts 1794 to 1899 or this Act. For protection of Mersey and Irwell Joint Committee.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

For protec-  
tion of west  
riding of  
Yorkshire  
Rivers  
Board.

**23.** The west riding of Yorkshire Rivers Board shall be entitled at all convenient times to inspect and examine the gauges over or through which compensation water to streams within the jurisdiction of the said board is discharged in pursuance of the Rochdale Canal Acts 1794 to 1899 or this Act.

For protec-  
tion of mill-  
owners on  
River  
Roach.

**24.** For the protection of owners and occupiers of mills or works situate upon or using water from the River Roach (in this section referred to as "the millowners") the following provisions shall apply and have effect (that is to say):—

(1) The quantities of water which the company is now required and which the two Corporations are in pursuance of this Act required to discharge into the River Roach or its tributaries on every day between midnight and midnight are hereby declared to be—

(a) from the Lower Chelburn Reservoir at the gauge situate at the east end of that reservoir near the brick and tile works twenty-three thousand and forty-seven gallons; and

(b) from the Hollingworth Lake Reservoir at the gauge situate near the Hollingworth Brook at the foot of the eastern embankment of the said reservoir one hundred and three thousand seven hundred and seventy-six gallons:

(2) For the purpose of measuring the quantities of water to be discharged into the Hollingworth Brook and River Roach the two Corporations shall at their own expense provide and thereafter maintain at the said points of discharge proper and suitable measuring gauges over or through which the said quantities of water shall flow and the same shall at all reasonable times be open to the inspection and examination of any duly accredited representative of any of the millowners:

(3) The quantity of water which the company is now required and which the two Corporations are in pursuance of this Act required to allow to flow through the gauge on the Longden End Brook at its junction with Hollingworth Brook is hereby declared to be such quantity of water naturally



flowing down the Longden End Brook as will A.D. 1923.  
flow through a gauge twenty-four inches in  
length and four and a half inches in depth :

- (4) In case of any neglect on the part of the two Corporations to maintain the said gauges in a state of efficiency the two Corporations shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons (including the mayor aldermen and burgesses of the borough of Heywood) or any of them.

25. For the protection of owners and occupiers of For protec-  
mills or works for the time being within the borough of tion of  
Todmorden situate upon or using water from the Walsden certain mill-  
Water or situate upon or using water from the River owners in  
Calder below its confluence with the Walsden Water (in Todmorden,  
this section referred to as "the millowners") the fol-  
lowing provisions shall apply and have effect (that is to  
say) :—

- (1) The Rochdale Corporation shall discharge into Warland Clough at or near the gauge now known as ~~the millowners' gauge at East Summit and~~ below any intake of the company such quantity of water as together with the water naturally flowing to the said gauge will amount to not less than one million nine hundred thousand gallons of water in every week :
- (2) The said quantity shall be discharged during sixty-nine hours in each week in a regular and continuous flow and the hours of discharge in each week shall save as hereinafter provided be as follows from 5.30 a.m. to 6 p.m. on each day from Monday to Friday inclusive and from 5.30 a.m. to noon on Saturday :
- (3) For the purpose of measuring the quantity of water to be so discharged into Warland Clough the Rochdale Corporation shall at their own expense forthwith provide and thereafter maintain at the said point of discharge a proper and suitable measuring gauge with a visible notch

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 Geo. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

over or through which the said quantity of water shall flow and the same shall at all reasonable times be open to the inspection and examination of any duly accredited representative of any of the millowners :

- (4) If at any time and from time to time the normal working hours in the cotton industry in the borough of Todmorden are altered and millowners representing upwards of one-half of the aggregate rateable value of the mills and works referred to in this section shall give to the Rochdale Corporation notice in writing requiring the discharge of the said compensation water at any other time or times than as aforesaid the Rochdale Corporation shall as from the expiration of the period of seven days from the receipt of such notice or as from such later time as may be specified in the notice comply with the requirements of the notice. Provided that nothing in this subsection contained shall be deemed to authorise any requirement increasing or diminishing the quantity of water to be discharged in every week under subsection (1) hereof and that no such notice as aforesaid shall require the discharge of water during more than sixty-nine hours in any week or to commence less than two hours before the normal hour of the commencement of work in the cotton industry in the borough of Todmorden or to cease more than half an hour before the normal hour of ceasing work in such industry :
- (5) The provisions of this section shall be taken in substitution of all rights to any compensation mentioned or referred to in the minutes of agreement dated the nineteenth day of November one thousand eight hundred and thirty-six and made between representatives of the company and certain millowners :
- (6) In case of any neglect on the part of the Rochdale Corporation to maintain the said gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not flow in accordance with the requirements of this section the



Rochdale Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons (including the mayor aldermen and burgesses of the borough of Todmorden) or any of them.

A.D. 1923.  
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### PART III.

#### WORKS AND LANDS.

**26.** From and after the date of transfer the Oldham Corporation the Rochdale Corporation and the two Corporations respectively may subject to the provisions of this Act maintain repair renew alter enlarge and extend the works by this Act transferred to and vested in them respectively and shall in respect of those works and the maintenance use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated therewith and the said works shall form part of and may be used and employed for all or any of the purposes of the respective water undertakings of the Oldham Corporation the Rochdale Corporation and the two Corporations respectively.

Power to  
 Corpora-  
 tions to  
 maintain  
 transferred  
 works.

**27.** Subject to the provisions of this Act the Oldham Corporation may as part of and for all or any of the purposes of their water undertaking make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say) :—

Power to  
 Oldham  
 Corporation  
 to make  
 waterworks.

Work No. 1 A road commencing in the urban district of Littleborough in the county of Lancaster at the most southerly point of the Light Hazzles Reservoir and terminating in the urban district of Soyland in the west riding of the county of York on the embankment at the south-east corner of the Whiteholme Reservoir :

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.  
*Corporations Water Act, 1923.*

A.D. 1923.  
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Work No. 2 An aqueduct conduit or line of pipes situate wholly in the urban district of Littleborough commencing at the tunnel outlet of the Light Hazzles Reservoir and terminating at or in the tank or reservoir (Work No. 3) by this Act authorised :

Work No. 3 A tank or reservoir situate wholly in the urban district of Littleborough on the west side of the Light Hazzles Reservoir about 16·5 chains north-west of the most southerly point of the Light Hazzles Reservoir and 10 chains west of the tunnel outlet of that reservoir :

Work No. 4 An aqueduct conduit or line of pipes situate wholly in the urban district of Littleborough commencing at or in the tank or reservoir (Work No. 3) by this Act authorised and terminating at or in the tank or reservoir (Work No. 5) by this Act authorised :

Work No. 5 A tank or reservoir situate wholly in the urban district of Littleborough about 2·5 chains south of a point in the Castle Drain of the company and 17·6 chains west of the tunnel outlet of the Blackstone Edge Reservoir :

Work No. 6 An aqueduct conduit or line of pipes situate wholly in the urban district of Littleborough commencing at the tunnel outlet of the Blackstone Edge Reservoir and terminating at or in the tank or reservoir (Work No. 5) by this Act authorised :

Work No. 7 An aqueduct conduit or line of pipes situate wholly in the urban district of Littleborough commencing at a point in the Rishworth Drain of the company 1 chain from its entrance into the Blackstone Edge Reservoir and terminating at a point in the Castle Drain of the company 2 chains from the tunnel outlet of the Blackstone Edge Reservoir :

Work No. 8 An aqueduct conduit or line of pipes commencing in the urban district of Littleborough at or in the tank or reservoir (Work No. 5) by this Act authorised and terminating in the urban district of Milnrow in the county of Lancaster in the Piethorne Reservoir of the Oldham Corpora-



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

tion at a point 7·6 chains measured in a north-easterly direction from the overflow of that reservoir : A.D. 1923.

Work No. 9 A road commencing in the urban district of Milnrow at a point in Tunshill Lane 2 chains east of the premises known as Thorney Bank and terminating in the urban district of Littleborough in the enclosure numbered 91 on the  $\frac{1}{2500}$  Ordnance map of the said district (sheet LXXXIX-3) (edition 1910) at a point 1·8 chains south-east of the north-west corner of the said enclosure :

Provided that no part of Work No. 1 shall be constructed within the urban district of Sowerby nor shall any lands in that district be acquired compulsorily under the powers of this Act.

**28.** Subject to the provisions of this Act the Rochdale Corporation may as part of and for all or any of the purposes of their water undertaking make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say) :—

Power to  
 Rochdale  
 Corporation  
 to make  
 waterworks.

Work No. 10 An aqueduct conduit or line of pipes situate wholly in the urban district of Mytholmroyd in the west riding of the county of York commencing at a point 3 chains west of a point in the Whiteholme Drain of the company 78·1 chains measured in a northerly direction along that drain from its entrance into the Whiteholme Reservoir and terminating at the northern end of the said drain :

Work No. 11 An aqueduct conduit or line of pipes commencing in the borough of Rochdale in the county of Lancaster at the junction of King's Road and Oldham Road passing through the urban districts of Wardle and Littleborough in the said county and terminating in the borough of Todmorden in the west riding of the county of York at the tunnel outlet of the Warland Reservoir :

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

Provided that notwithstanding anything shown on the deposited plans and sections Work No. 11 where it crosses the River Roach the Hey Brook and the stream at the boundary between the borough of Rochdale and the urban district of Wardle shall be constructed below the bed of those streams respectively.

Power to  
two Corpo-  
rations to  
make water-  
works.

**29.** Subject to the provisions of this Act the two Corporations may as part of and for all or any of the purposes of their respective water undertakings make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

Work No. 12 An aqueduct conduit or line of pipes situate wholly in the urban district of Soyland in the west riding of the county of York commencing at a point in the Rishworth Drain of the company 17 chains east of its entrance into the Blackstone Edge Reservoir and terminating at a point in the Byron Edge Drain of the company 1·8 chains west of Turvin Road:

Work No. 13 An aqueduct conduit or line of pipes situate wholly in the said west riding commencing in the borough of Todmorden at a point on Langfield Common 3·6 chains north-east of Wool Pack Stones and terminating in the urban district of Mytholmroyd at the commencement of the aqueduct conduit or line of pipes (Work No. 10) by this Act authorised:

Work No. 14 An embankment situate wholly in the urban district of Soyland commencing at a point 1·1 chains south and terminating at a point 1·3 chains north of the centre of the cutting connecting the Whiteholme and Light Hazzles Reservoirs 2 chains west of the Whitholme Reservoir:

Provided that no part of Work No. 14 shall be constructed within the urban district of Sowerby nor shall any lands in that district be acquired compulsorily under the powers of this Act.



**30.** The Oldham Corporation the Rochdale Corporation and the two Corporations respectively may upon any lands delineated on the deposited plans or upon any lands within the drainage area of the works by this Act transferred to and vested in them respectively and for the time being belonging to them make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to any of the said works or of the works which they are by this Act respectively authorised to construct but nothing in this section shall exonerate the Oldham Corporation the Rochdale Corporation or the two Corporations from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

A.D. 1923.  
—  
Power to make subsidiary waterworks.

**31.** In the construction of the works authorised by this Act the Oldham Corporation the Rochdale Corporation and the two Corporations respectively may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may respectively also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream or canal no part of the aqueducts conduits or lines of pipes by this Act authorised shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to deviate.

**32.** Subject to the provisions of this Act the Oldham Corporation the Rochdale Corporation and the two Corporations respectively may collect impound take use divert and appropriate for the purposes of their respective water undertakings all such springs streams and waters as may be intercepted by means of the works or in the exercise of the rights by this Act transferred to and vested in them respectively or by means of the works authorised by this Act.

Power to take waters.

**33.** The Oldham Corporation the Rochdale Corporation and the two Corporations shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised

Limiting powers to abstract water.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. — by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament Provided that the works by this Act transferred to and vested in the Oldham Corporation the Rochdale Corporation and the two Corporations respectively and the lands upon which the same are situate shall be deemed to be specified in this Act.

Discharge of  
water into  
streams.

**34.**—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any work by this Act transferred to and vested in the Oldham Corporation or the two Corporations respectively or any work which they are by this Act respectively authorised to construct they may cause the water in any such work to be discharged into any available stream or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the powers conferred by this section the Oldham Corporation and the two Corporations shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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

**35.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of the aqueducts conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Oldham Corporation the Rochdale Corporation or the two Corporations may and which they are hereby authorised to lay down or erect for the purposes of their respective water undertakings Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.



**36.** In addition to the lands hereinbefore referred to the two Corporations may subject to the provisions of this Act enter upon take and use the following lands in the urban district of Littleborough in the county of Lancaster delineated on the deposited plans and described in the deposited book of reference (that is to say):—

A.D. 1923.

—  
 Power to  
 two Corpo-  
 rations to  
 acquire  
 further  
 lands.

(a) Certain lands being portions of the enclosure numbered 557 on the  $\frac{1}{2500}$  Ordnance map of the said district (sheet LXXXI—7) (edition 1910) situate to the west of the embankment of the Chelburn Reservoir;

(b) Certain lands situate at the south-west corner of the enclosure numbered 773 and at the south-east corner of the enclosure numbered 772 on the said map (sheet LXXXI—14) (edition 1910).

**37:** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Rochdale Corporation (in this section referred to as “the Corporation”) of the powers by this Act conferred upon them it may happen that portions only of the properties numbered on the deposited plans 115 and 116 in the borough of Todmorden and described in the deposited book of reference as gardens will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may  
 be required  
 to sell parts  
 only of  
 certain  
 lands and  
 buildings.

(1) The owner of and persons interested in either of the said properties whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term “the owner”:

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of either of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator or other tribunal to whom the question of compensation is referred under the Lands Clauses Acts or as the case may require under the Acquisition of Land (Assessment of Compensation) Act 1919 (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination



of any matters under this section shall be borne and paid by the owner : A.D. 1923.

- (6) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that either of the said properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

**38.**—(1) The Oldham Corporation the Rochdale Corporation and the two Corporations respectively may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such

Corporation may acquire easements only in certain cases.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. 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.

(2) As regards any lands in respect of which the Oldham Corporation the Rochdale Corporation and the two Corporations respectively have acquired easements only under the provisions of this section they 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 Oldham Corporation the Rochdale Corporation or the two Corporations to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Period for compulsory purchase of lands.

**39.** The powers of the Oldham Corporation the Rochdale Corporation and the two Corporations 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:

As to private rights of way over lands taken compulsorily.

**40.** 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 Oldham Corporation the Rochdale Corporation and the two Corporations respectively shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Persons under disability may grant easements &c.

**41.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Oldham Corporation the Rochdale Corporation or the two Corporations as the case may be any



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

A.D. 1923.  
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42. In settling any question of disputed purchase money or compensation for lands acquired by the Oldham Corporation the Rochdale Corporation or the two Corporations respectively under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the date of the first newspaper advertisement of the notice of the intention to apply for powers to acquire the lands if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

Compensation in case of recently altered buildings.

43. The Oldham Corporation the Rochdale Corporation and the two Corporations respectively may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the works by this Act transferred to and vested in them respectively or of the works which they are by this Act respectively authorised to construct with reference to the execution by the Oldham Corporation the Rochdale Corporation or the two Corporations respectively 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 by this Act authorised to be collected diverted and appropriated by the Oldham Corporation the Rochdale Corporation and the two Corporations respectively flowing

Power to agree as to drainage of lands &c.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. to upon or from such lands directly or derivatively into  
 — such works.

Protection  
 of waters  
 and water-  
 works.

44.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Oldham Corporation the Rochdale Corporation and the two Corporations respectively may by agreement purchase take on lease and acquire any lands in or over which any waters which they are respectively for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands and any other lands acquired by them respectively under this Act so long as they shall deem it necessary or expedient for those purposes. Provided that the Oldham Corporation the Rochdale Corporation and the two Corporations respectively 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 their respective water undertakings.

(2) The Oldham Corporation the Rochdale Corporation and the two Corporations respectively may in and upon any lands so acquired by them 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 they are respectively empowered to take from being polluted and the Oldham Corporation the Rochdale Corporation and the two Corporations respectively may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by them respectively arise or flow 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.

As to acquisition and  
 use of common lands.

45.—(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the two Corporations or either of them shall not for the purpose of the works by this Act authorised purchase and acquire the surface of or enclose any common or commonable



lands except so much thereof as may be required permanently for the purposes of the said works but the two Corporations or either of them may purchase and acquire an easement or right of constructing maintaining and using the works by this Act authorised in accordance with the provisions of this Act in under or over any common or commonable lands without being obliged or compellable to purchase any greater interest in under or over the same respectively. A.D. 1923.  
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(2) The surface of any such common or commonable lands interfered with temporarily by the two Corporations or either of them for the purposes of the said works shall be restored to its original condition as soon as reasonably practicable.

46. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions shall unless otherwise agreed in writing between the Oldham Corporation and Wilson & Leach Limited or other the owner for the time being of Booth Hollins Mill (in this section referred to as "the owners") apply and have effect (that is to say):— For protec-  
tion of  
Wilson &  
Leach  
Limited.

(1) The Oldham Corporation shall not use Work No. 8 for abstracting water from the Longden End Brook :

(2) The Oldham Corporation shall not enter upon take or use the properties numbered on the deposited plans 46 and 47 in the parish of Littleborough :

(3) The Oldham Corporation shall not take or use compulsorily any part of the property numbered on the deposited plans 48 in the said parish other than an easement for the laying and maintaining therein of a pipe for discharging washings from their works into the Longden End Brook below the intake weir of Booth Hollins Mill numbered 46 as aforesaid which easement the owners shall grant if so required by the Oldham Corporation :

(4) The Oldham Corporation shall not discharge any washings from any of their works into the Longden End Brook above the said weir or do anything in the construction or maintenance of their works to contaminate or discolour the water supply flowing through the said weir to the said mill.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

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For protec-  
tion of John  
Ashton  
Fielden.

47. For the protection of John Ashton Fielden and his sequels in estate or other the owner or owners for the time being of the estate in the parish of Erringdon in the west riding of the county of York known as the "Higher House Estate" (all of whom are in this section referred to and included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Rochdale Corporation or the owner and the two Corporations as the case may be apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Rochdale Corporation and the two Corporations respectively shall not be entitled to purchase and take otherwise than by agreement any land of the owner or any easement or right in under or over such land but the Rochdale Corporation may purchase and acquire subject to the provisions of this section an easement over such land for the purpose of constructing and maintaining Work No. 10 by this Act authorised and the two Corporations may purchase and acquire subject to the provisions of this section an easement over such land for the purpose of constructing and maintaining Work No. 13 by this Act authorised Such purchase and acquisition shall in each case take place under and in accordance with the provisions of the section of this Act the marginal note whereof is "Corporation may acquire easements only in certain cases" as if the said works were intended to be constructed underground:
- (2) The said Work No. 10 so far as the same may pass through the land of the owner shall be made and maintained in the line shown upon the deposited plans and at levels which shall not be deeper than is reasonably necessary having regard to the purpose thereof and the configuration of the ground and in no case shall such levels be deeper than is shown upon the deposited sections and the powers of lateral and vertical deviation granted by this Act shall be modified accordingly:



- (3) The said Work No. 13 so far as the same may pass through the land of the owner shall be made and maintained wholly underground in the line shown upon the deposited plans and in such manner that no part of the same or its earth covering (which shall not be less than one foot in depth) shall project above the existing surface of the ground : A.D. 1923.  
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- (4) The said Works Nos. 10 and 13 shall be constructed and maintained as single aqueducts only and of the dimensions following (that is to say) Work No. 10 of a width not exceeding seventeen feet and of a depth of not exceeding three feet and Work No. 13 of a width not exceeding three feet and of a depth not exceeding two feet and the sides of the said Work No. 10 shall not be of a greater inclination than two to one (that is to say) two feet horizontal to one foot vertical :
- (5) The Rochdale Corporation and the two Corporations respectively shall to the reasonable satisfaction of the owner construct and maintain such number of bridges of a width of four feet over the said Work No. 10 (not exceeding one in every two hundred and twenty yards) as may be necessary for the convenient use and enjoyment of the land on either side thereof :
- (6) Each of the said Works Nos. 10 and 13 so far as it may pass through the land of the owner shall be completed within the period of two years from the passing of this Act :
- (7) The Rochdale Corporation and the two Corporations respectively shall give to the owner or his agent before commencing any work for the construction or maintenance (such work of maintenance involving the employment of more than two men) of any aqueduct which may pass through the land of the owner not less than two months' notice in writing in the case of any work of construction and not less than forty-eight hours' notice in writing in the case of any work of maintenance of the intention to commence the work except in cases of emergency

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.  
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in which case the notice shall be given as soon as is possible after the commencement of the work or the necessity for the same shall have arisen :

- (8) No temporary road or other means of access shall be constructed by the Rochdale Corporation or the two Corporations on land belonging to the owner for the purpose of constructing the said Works Nos. 10 and 13 without the consent of the owner which consent shall not be unreasonably withheld or otherwise than in such a position as the owner shall reasonably require :
- (9) It shall not be lawful for the Rochdale Corporation or the two Corporations their respective servants or agents or any person or persons acting under the authority of or with the permission or consent of the Rochdale Corporation or the two Corporations at any time to cross or come upon the land of the owner along any route which shall have been reasonably prohibited by the owner and no officer servant or agent of the Rochdale Corporation or the two Corporations shall at any time cross or come upon the land of the owner without the written authority of the engineer of the Rochdale Corporation or the two Corporations as the case may be and such officer servant or agent shall at all times when upon such land if required produce and show such authority to the owner his servants or agents :
- (10) No buildings or works of any kind (other than the said Works Nos. 10 and 13 and any temporary road or other means of access or any temporary buildings necessary for constructing the said works) shall be erected or placed on the land of the owner or any part thereof :
- (11) The owner shall on his land or any part thereof be entitled to burn the heather and shall not be liable for any loss or damage caused to the Rochdale Corporation or the two Corporations or any property by heather burning :
- (12) The Rochdale Corporation and the two Corporations respectively shall from time to time



pay to the owner on demand the reasonable cost of the employment by him of a reasonably sufficient number of keepers for the protection of the game and for the prevention of poaching and trespassing upon the land of the owner during the construction or any repair (such repair involving the employment of more than two men) of any works constructed by them respectively upon the land of the owner : A.D. 1923.  
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- (13) In the construction and maintenance of the said Works Nos. 10 and 13 the Rochdale Corporation and the two Corporations respectively shall with all possible despatch on the completion of the works or any repairs or other maintenance replace and restore the surface of the ground as near as may be to its former level and state :
- (14) All fences cuts watercourses roads conveniences and other matters and things belonging to the owner which may be injured by the Rochdale Corporation or the two Corporations or their respective contractors or workmen during the construction or maintenance of the said Works Nos. 10 and 13 shall subject to the provisions of this section forthwith after such interference be made good by the Rochdale Corporation or the two Corporations as the case may be :
- (15) The Rochdale Corporation and the two Corporations respectively shall in addition to any other compensation payable by them under or by virtue of this Act in respect of the land of the owner make full compensation to the owner and his tenants for all damage and loss occasioned to them or any of them respectively by any act of the Rochdale Corporation or the two Corporations whether during construction or maintenance :
- (16) Any difference which may arise between the owner and the Rochdale Corporation or the two Corporations as the case may be under this section (other than a difference to which the provisions of the Lands Clauses Acts apply) shall be referred to and determined by a

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 Geo. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

surveyor to be appointed failing agreement by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of company.

48. For the protection of the company the following provisions shall unless otherwise agreed in writing between the company and the Rochdale Corporation apply and have effect (that is to say):—

- (1) The Rochdale Corporation shall make full compensation to the company for all loss damage or expense which it may sustain or incur by reason of the construction of the Work No. 11 by this Act authorised and shall indemnify the company for and against all damages claims penalties and expenses which it may incur or which may be recovered from it by reason of any interruption of or interference with traffic due to the construction of the said work:
- (2) The Rochdale Corporation shall submit to the company all plans of so much of the said Work No. 11 as is to be constructed on under or over the canal and such works shall be constructed in accordance with plans to be reasonably approved by the engineer of the company:
- (3) Any dispute under this section shall be referred to arbitration in manner provided by the section of this Act of which the marginal note is “Two Corporations to discharge water into canal.”

For protection of Lancashire County Council.

49. Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of the Lancashire County Council (in this section referred to as “the county council”) unless otherwise agreed in writing between the Oldham Corporation or the Rochdale Corporation as the case may be (in this section referred to as “the Corporation”) and the county council (that is to say):—

- (1) Where any aqueduct conduit or line of pipes by this Act authorised is laid under any main road the same shall be laid so that the upper surface thereof is not less than four feet below the surface of the road except in special cases where



A.D. 1923.

with the consent of the county surveyor a less space may intervene and the trench shall be filled in and the surface of the road made good and kept level with the adjoining surface of the road in accordance with the reasonable requirements of the county surveyor and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the county surveyor the roadway over the trench for a period of twelve months from the date of the surface being made good as aforesaid :

- (2) If within a period of twelve months after the aqueduct conduit or line of pipes has been laid in the main road any sinking or subsidence of the surface of the road shall occur by reason or in consequence of the said aqueduct conduit or line of pipes the Corporation shall at their own expense make up the surface of the road to the satisfaction of the county surveyor and if they fail to do so within seven days when required by the county surveyor he may on giving the Corporation twenty-four hours' notice cause the work to be done and all expenses reasonably incurred in connection with such work shall be paid by the Corporation to the county council :
- (3) The county council shall not except in case of negligence be liable to the Corporation for any damage done to the aqueduct conduit or line of pipes laid under the main road caused by the reasonable use of a road roller or other engine not exceeding twelve tons in weight and the Corporation shall indemnify the county council from claims for damages that may be made against the county council by reason of any sinking or subsidence of the road caused by the construction or failure of the aqueduct conduit or line of pipes :
- (4) If by reason of the construction of the works by this Act authorised any increased expense is reasonably incurred by the county council in connection with the maintenance and repair of any main road such increased expense shall

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

be paid by the Corporation to the county council :

- (5) The aqueduct conduit or line of pipes (Work No. 11) shall not be carried across the bridge known as Small (County) Bridge but shall be constructed to the reasonable satisfaction and under the superintendence (if the same be given) of the county surveyor on separate supports in such a manner that sufficient space shall be left between the said aqueduct and the sides and buttresses of the said bridge as will enable the county council conveniently to maintain and carry out repairs to the said bridge without incurring additional cost :
- (6) The aqueduct conduit or line of pipes (Work No. 11) shall not be carried across the bridges known as New Platt and Featherstall (County) Bridges but shall be constructed to the reasonable satisfaction and under the superintendence (if the same be given) of the county surveyor underneath the river in such a position as not to interfere in any way with the structure of the said bridges :
- (7) Any difference which shall arise under this section between the Corporation and the county council shall be determined 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 provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of  
Todmorden  
Corporation.

**50.** Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of the mayor aldermen and burgesses of the borough of Todmorden (in this section referred to as " the Todmorden Corporation ") unless otherwise agreed in writing between the Rochdale Corporation and the Todmorden Corporation (that is to say)—

- (1) The provisions of subsection (1) to (4) inclusive and (7) of the section of this Act of which the marginal note is " For protection of Lancashire County Council " shall apply and have effect for the protection of the Todmorden Corporation



with any necessary modifications including the following— A.D. 1923.

as if the Todmorden Corporation were referred to therein instead of the Lancashire County Council;

as if the surveyor to the Todmorden Corporation were referred to therein instead of the county surveyor; and

as if roads belonging to or repairable by the Todmorden Corporation were referred to therein instead of main roads:

- (2) All works of the Rochdale Corporation within the borough of Todmorden shall be so executed as not to stop or so far as reasonably practicable impede or interfere with any traffic and the Rochdale Corporation shall not break up at any one time a greater consecutive length of any street or road in the borough of Todmorden than fifty yards at any place where only one vehicle can pass at the side of the opening or two hundred yards where only two vehicles can pass at the same time.

**51.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Company and the Rochdale Corporation the Oldham Corporation or the two Corporations as the case may be apply and have effect (that is to say)— For protection of London Midland and Scottish Railway Company.

- (1) In carrying the aqueduct conduit or line of pipes (Work No. 11) authorised by this Act where the same shall be carried over under or alongside the railway and works of the company and also in effecting the maintenance repairs and renewals thereof the same and all works connected therewith (in this section referred to as "the said works") shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company (in this section referred to as "the said engineer") and except in cases of emergency before commencing any such works the Rochdale Corporation shall submit to the said engineer plans

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.  
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sections and particulars of the works proposed to be executed and such plans sections and particulars shall be delivered at least twenty-one days before the commencement of any such work and if at the expiration of fourteen days from such delivery no objection has been lodged to such plans sections and particulars then the same shall be deemed to be approved All such works shall when commenced be completed with due despatch in accordance with the plans sections and particulars as so approved or in case of difference as settled by arbitration in accordance with the provisions of this section and shall be executed by and in all things at the expense of the Rochdale Corporation and so as not to cause any injury to the said railway and works or interruption to the passage or conduct of the traffic over the said railway and if by the execution of such works any injury shall be caused to the said railway or works or interruption to such traffic the Rochdale Corporation shall make full compensation to the company in respect of such injury or interruption :

- (2) If in consequence of the construction of the said Work No. 11 where the same crosses under the railway it is necessary in the reasonable opinion of the said engineer to underpin or otherwise strengthen the foundations of the bridge carrying the railway such underpinning or strengthening shall be executed by the company with all despatch prior to the construction of the said Work No. 11 and the Rochdale Corporation shall repay to the Company the reasonable cost incurred by them in so doing :
- (3) The Rochdale Corporation shall at all times maintain the said works in substantial repair and good order and condition to the reasonable satisfaction of the said engineer and if and whenever the Rochdale Corporation fail so to do the company may after giving one month's notice to the Rochdale Corporation of their intention so to do make and do all such works and things as may be reasonably requisite in



that behalf and the reasonable expenditure so incurred by the company in so doing shall be repaid to them by the Rochdale Corporation : A.D. 1923.  
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- (4) If at any time hereafter the company shall require under any powers existing at the passing of this Act to make any alterations of or to widen their railway or works or to increase the railway accommodation at any place where the said works will be over under or alongside the railway the Rochdale Corporation on being required so to do by the company shall at their own cost make such alterations of and additions to the said works as the said engineer may reasonably require for facilitating the carrying out of such alterations or widening of the railway or works or the provision of such increased accommodation as aforesaid :
- (5) Notwithstanding the approval of plans sections and particulars or superintendence by or the execution of any works to the satisfaction of the said engineer as aforesaid if by reason of the said works or any proceedings of the Rochdale Corporation or of their contractors or of their workmen or of the leakage bursting or failure of the said works arising otherwise than by reason of any act or default of the company the railway or any of the works or lands of the company shall be injured or damaged the company may make good the same and recover the reasonable expense thereof from the Rochdale Corporation and if any interruption shall be caused to the traffic of the railway by reason of any of the said works or of any such leakage bursting or failure as aforesaid the Rochdale Corporation shall repay to the company any loss damage or expense which they may sustain or be put to by reason of such interruption :
- (6) The Rochdale Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them during the execution or maintenance of the said works of a reasonably sufficient number of inspectors signalmen or watchmen for inspecting the said works and for watching the railway and the

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Rochdale Corporation :

- (7) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Rochdale Corporation shall not without the previous consent of the company under their common seal purchase or acquire any lands or property of the company but the Rochdale Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands of the company as may be necessary for the construction and maintenance of the said works :
- (8) The construction maintenance and renewal of any works under the powers of the sections of this Act whereof the marginal notes are " Application of Waterworks Clauses Act 1847 to aqueducts and telephones " and " Protection of waters and waterworks " upon across over under or in any way affecting the railways and works of the company shall be carried out under the superintendence if the same be given and to the reasonable satisfaction of the said engineer and except in cases of emergency only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and by and at the expense of the two Corporations or either of them as the case may be Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved the same The two Corporations or either of them as the case may be shall restore and make good the roads over any bridges level crossings and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to such works and all such works shall be carried out so as not to



cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property of the company or interruption to the passage or conduct of traffic over such railways or at any station thereon If any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things in this subsection referred to or the bursting leakage or failure of any such works arising otherwise than by reason of any act or default of the company the two Corporations or either of them as the case may be shall make compensation in respect thereof to the company :

- (9) Any dispute or difference which may arise between the company and the two Corporations or either of them as the case may be with reference to the provisions of this section (other than a dispute or difference to which the Lands Clauses Acts apply) 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.

**52.** For the protection of the English Velvet & Cord Dyers Association Limited J. & R. Redman Limited and Hinchliffe Hinchliffe & Sons Limited their successors and assigns the following provision shall notwithstanding anything contained in this Act apply and have effect (that is to say) :—

The Oldham Corporation shall not take appropriate or use for the purposes of their water undertaking any water which may be impounded in the Whiteholme Reservoir unless and until the construction of Works Nos. 12 and 14 by this Act authorised shall have been completed.

**53.** For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section referred to as “the Wakefield Corporation”) the following provisions shall unless otherwise agreed in writing between the Wakefield Corporation and the two Corporations apply and have effect (that is to say) :—

- (1) In this section the expression “the signed plan” means the plan signed in quadruplicate by

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

Major Patrick Bernard Malone the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords :

- (2) The Oldham Corporation shall forthwith after the date of transfer grant to the Wakefield Corporation and that corporation shall take a lease of all water rights in and over the lands two hundred and forty acres in extent coloured blue and green on the signed plan for a period of ten years from the first day of January one thousand nine hundred and twenty-four at a rental of one thousand seven hundred and fifty pounds per annum and the other terms and conditions of the said lease shall in default of agreement be settled on the application of either party by the President of the Law Society or some person to be nominated by him :
- (3) The Wakefield Corporation shall at their own expense make and maintain all alterations of the Rishworth Drain and other works necessary for enabling them to appropriate the water from the said lands and at the expiration of the said period of ten years shall at the like expense to the reasonable satisfaction of the water engineer of the Oldham Corporation remove all such works and restore the Rishworth Drain to its present condition and any question which may arise under this subsection shall be determined 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 provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (4) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections from and after the first day of January one thousand nine hundred and thirty-four the Oldham Corporation shall permit the whole of the water naturally flowing from the area



thirty-five and one half acres in extent coloured blue on the signed plan to flow towards the Green Withens Reservoir without being intercepted by the said Rishworth Drain or any other drain belonging to the Oldham Corporation : A.D. 1923.

- (5) From and after the last-mentioned date such portions of the said Rishworth Drain as would otherwise abstract water from the said area coloured blue shall be reconstructed and maintained by the Oldham Corporation as a sealed pipe or conduit.

54. For the protection of the mayor aldermen and burgesses of the borough of Morley (in this section referred to as "the Morley Corporation") the following provisions shall unless otherwise agreed in writing between the Morley Corporation and the two Corporations apply and have effect (that is to say) :— For protection of Morley Corporation.

- (1) In this section the expressions—

"the signed plan" means the plan signed in quadruplicate by Major Patrick Bernard Malone the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords; and

"the agreed date" means whichever shall be the earlier of the two following dates (that is to say)—

(a) the date of the expiration of a period of two years from the passing of this Act;

(b) the date upon which the two Corporations or either of them or the joint committee or the company shall do any act or thing which would enable them to abstract from the natural drainage area of the Withens Clough Reservoir a greater quantity of water than could be abstracted by the portion of the existing catchwater of the company between the points A

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A D. 1923.  
—

and B shown on the signed plan if the said portion of the said catchwater remained in the same condition as on the sixth day of July one thousand nine hundred and twenty-three :

- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections from and after the agreed date the two Corporations shall permit the whole of the water naturally flowing from the area fifty-six acres in extent coloured red on the signed plan to flow towards the Withens Clough Reservoir past the said existing catchwater and any other catchwater which may be constructed in lieu thereof or in addition thereto by the two Corporations or either of them or the joint committee or the company :
- (3) From and after the agreed date such portions of the said existing catchwater and of any other catchwater which may be constructed in lieu thereof or in addition thereto by the two Corporations or either of them or the joint committee or the company as would otherwise abstract water from the said area coloured red shall be reconstructed constructed and maintained as a sealed pipe or conduit.

PART IV.

JOINT MANAGING COMMITTEE.

Establish-  
ment of  
joint com-  
mittee.

**55.**—(1) A joint committee to be called “the Oldham and Rochdale Water Joint Managing Committee” shall be established for the purpose subject to the provisions of this Act of managing and maintaining on behalf of the two Corporations the Hollingworth and Chelburn Works and of exercising on behalf of the two Corporations the rights and powers transferred to and vested in them by or in pursuance of the section of this Act of which the marginal note is “Transfer of portion of undertaking of company to two Corporations” and of complying on behalf of the two Corporations with the provisions of the section of this Act of which the



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

marginal note is "Two Corporations to discharge water into canal". A.D. 1923.

(2) The joint committee shall be a body corporate with a common seal and shall consist of eight members of whom five shall be appointed by the Oldham Corporation and three shall be appointed by the Rochdale Corporation and a chairman and vice-chairman of the joint committee shall be appointed by and from the members of the joint committee but shall not both represent the same corporation.

(3) Subject to the provisions of this Act the provisions of the Second Schedule to this Act with respect to the constitution and proceedings of the joint committee shall have effect.

(4) The joint committee shall in no case be entitled to borrow moneys or to make or levy any rate or order any rate to be made or levied or without the consent of the two Corporations to make any expenditure on capital account.

(5) The proceedings of the joint committee shall be reported to but shall not require the approval of the two Corporations.

**56.**—(1) At the first meeting of the joint committee and subsequently at the first meeting of the joint committee held after the ninth day of November in each year a standing arbitrator shall be appointed to determine questions submitted to him under the provisions of this Act and unless three-fourths of the members of the joint committee present and voting at a meeting of the joint committee holden not earlier than the seventh day after notice calling the meeting and specifying the object of the meeting agree in the choice of a standing arbitrator he shall from time to time be a person nominated by the President of the Institution of Civil Engineers. Standing arbitrator.

(2) This Act shall be deemed within the meaning and for the purposes of the Arbitration Act 1889 to be a submission by the joint committee to the standing arbitrator as a single arbitrator of all differences which by this Act are referred to the decision of the standing arbitrator.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

—

(3) Every standing arbitrator chosen or appointed under the provisions of this Act shall continue in office for one year from the time of his appointment and thereafter until re-appointment or until the appointment of another standing arbitrator by the joint committee unless in any case the office is sooner vacated by death incapacity to act resignation or otherwise in which case a standing arbitrator shall be chosen or appointed in his place in manner hereinbefore provided but to hold office only to the end of the period for which his predecessor was appointed.

(4) Any standing arbitrator vacating office shall be capable of re-appointment.

(5) The remuneration of the standing arbitrator shall be fixed from time to time by the joint committee and shall be paid as part of the expenses of the joint committee under this Act.

References  
to standing  
arbitrator.

**57.**—(1) If any question as to any matter in which the interests of the two Corporations are not identical (as to which a memorandum in writing under the hands of any two members of the joint committee representing the same Corporation shall be conclusive) arise at a meeting of the joint committee and upon such question all the members representing one of the two Corporations present and voting at the meeting vote in the same sense then on the request of the representatives or of the majority of the representatives of either of the two Corporations present at such meeting delivered to the chairman or clerk of the joint committee within ten days after such meeting such question shall be referred to the standing arbitrator for the time being and shall be decided by him notwithstanding that his term of office expires before his decision shall have been given.

(2) The decision of the standing arbitrator shall in all cases be final and binding on the joint committee and on the two Corporations.

(3) The standing arbitrator shall nevertheless on the request of the joint committee or of the members representing either of the two Corporations on the joint committee signified under the hand of the town clerk of such Corporation review any previous decision



of himself or of any former arbitrator but any alteration of any such decision shall have prospective operation only and shall not affect anything done or suffered under the decision reviewed. A.D. 1923.  
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**58.**—(1) The joint committee shall from time to time in a minute of the joint committee estimate the amount of money required by them for the purposes of or incidental to the carrying out of their duties in pursuance of this Act and every such minute shall state the purpose or purposes for which such money is required and shall fix the times at which such money is to be paid to the bankers of the joint committee and copies of every such minute signed by the chairman of the meeting at which such minute was made and by the clerk of the joint committee shall be sent to the town clerks of Oldham and of Rochdale addressed to their respective offices. Provision of funds for purposes of joint committee.

(2) The amount specified in the minute shall at or before the time so fixed be paid in the proportion of fifteen twenty-thirds by the Oldham Corporation and eight twenty-thirds by the Rochdale Corporation and the two Corporations shall from time to time account each with the other and with the joint committee upon that basis. Such proportions shall be deemed to be debts due from the two Corporations respectively to the joint committee as from the date fixed for the payment thereof.

(3) If either of the two Corporations make default in such payments they shall unless otherwise resolved by the joint committee pay to the joint committee interest at the rate of five pounds per centum per annum on the amount due from such Corporation to be calculated from the day fixed for the payment thereof until the day when the same is paid.

(4) The joint committee may recover from either Corporation in default the money so due and it shall be sufficient in any proceedings for such recovery for the joint committee to produce their minute book containing the estimate on which the claim is founded and to prove that a copy of the minute thereof duly authenticated was sent to the town clerk to the Corporation in default addressed to his office and that the sum mentioned in such minute has not been paid.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

PART V.

FINANCE.

As to ex-  
penditure of  
two Corpo-  
rations.

**59.** All expenditure which may be incurred under or in pursuance of the provisions of this Act in respect of or in relation to (a) the works and rights transferred to and vested in the two Corporations by or in pursuance of the section of this Act of which the marginal note is "Transfer of portion of undertaking of company to two Corporations" (b) the exercise of the powers by this Act conferred and the fulfilment of the obligations by this Act imposed upon the two Corporations jointly and (c) any works subsidiary to the works which the two Corporations are by this Act authorised to construct shall from time to time be paid in the proportion of fifteen twenty-thirds by the Oldham Corporation and eight twenty-thirds by the Rochdale Corporation.

Power to  
Oldham  
Corporation  
to borrow  
and repay-  
ment of  
borrowed  
moneys.

**60.**—(1) The Oldham Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the respective revenue fund and rate set forth in the third column of the said table and shall be repaid within the respective periods set forth in the fourth column thereof and the Oldham Corporation may apply any sum so borrowed for the said purposes respectively (that is to say)—

| Purpose.  | Amount.                 | Charge.                        | Period for Repayment.                    |
|---|-------------------------|--------------------------------|--|
| (1) For paying the costs charges and expenses of this Act as hereinafter defined. | £<br>The sum requisite. | Borough fund and borough rate. | Five years from the passing of this Act. |



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

| Purpose.   | Amount. | Charge.  | Period for Repayment.                                  | A.D. 1923. |
|--|---------|--|--|------------|
| (2) For purchase of the works lands property and rights of the company by this Act transferred.                                | 261,648 | £<br>Revenue of the water undertaking and borough fund and borough rate. | Sixty years from the date or dates of borrowing.       |            |
| (3) For purchase of other lands property and easements by this Act authorised to be acquired by the Oldham Corporation.        | 9,149   | Revenue of the water undertaking and borough fund and borough rate.      | Sixty years from the date or dates of borrowing.       |            |
| (4) For construction of works by this Act authorised to be constructed by the Oldham Corporation and works subsidiary thereto. | 159,807 | Revenue of the water undertaking and borough fund and borough rate.      | Thirty-five years from the date or dates of borrowing. |            |
| (5) For purchase of other lands by this Act authorised to be acquired by the two Corporations.                                 | 378     | Revenue of the water undertaking and borough fund and borough rate.      | Sixty years from the date or dates of borrowing.       |            |
| (6) For construction of works by this Act authorised to be constructed by the two Corporations and works subsidiary thereto.   | 127,590 | Revenue of the water undertaking and borough fund and borough rate.      | Fifty years from the date or dates of borrowing.       |            |

(2) The Oldham Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary for any of the purposes of this Act and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by that Minister and the revenue fund or rate chargeable for any moneys so borrowed shall be such as that Minister shall prescribe.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

Mode of  
 raising  
 money by  
 Oldham  
 Corporation.

**61.** The Oldham Corporation may raise all or any moneys which they are authorised to borrow under this Act by the creation and issue of corporation stock or by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of section 104 (Sinking fund) of the Oldham Corporation Act 1909 shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Incorporation of  
 provisions of Acts  
 of Oldham  
 Corporation.

**62.**—(1) The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Oldham Corporation under this Act as if they were re-enacted herein (that is to say)—

The Oldham Borough Improvement Act 1865—

Section 321 (Regulations as to mortgages);

Section 322 (Transfers of mortgages);

Section 362 (Forms in schedule authorised);

Fifth Schedule—Forms of mortgage and transfer of mortgage :

The Oldham Improvement Act 1880—

Section 238 (Corporation not to regard trusts);

Section 248 (Paid auditors may be appointed by Corporation) :

The Oldham Corporation Act 1886—

Section 50 (For the protection of lenders) :

The Oldham Corporation Act 1899—

Section 47 (Mode of payment off of money borrowed);

Section 49 (Appointment of receiver);

Section 50 (Annual return to Local Government Board);

Section 51 (Application of money borrowed) :

The Oldham Corporation Act 1900—

Section 45 (Inquiries by Local Government Board) :

The Oldham Corporation Act 1909—

Section 104 (Sinking fund); and

Section 105 (Power to re-borrow) :



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

Provided that—

A.D. 1923.

- (a) the said sections shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board;
- (b) the said section 321 of the said Act of 1865 shall be read and have effect as if the borough treasurer were referred to therein in lieu of the town clerk;
- (c) the said section 45 of the said Act of 1900 shall for the purposes of this Act be read and have effect as if the words “not exceeding five guineas a day” were inserted therein in lieu of the words “not exceeding three guineas a day”; and
- (d) the periods for repayment referred to in the section of this Act whereof the marginal note is “Power to Oldham Corporation to borrow and repayment of borrowed moneys” shall be deemed to be “the prescribed periods” for the purposes of the application of the said section 104 of the said Act of 1909.

(2) Subsection (2) of section 292 of the said Act of 1865 as amended by Article II. of the Oldham Order 1896 shall apply to any increase in or addition to the borough rate for any of the purposes of this Act.

**63.** Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an accumulating sinking fund which the Oldham Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister of Health may from time to time approve.

Alteration  
of rate basis  
for sinking  
fund calcu-  
lations of  
Oldham  
Corporation.

**64.**—(1) The Rochdale Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the respective revenue fund and rate set forth in the third column of

Power to  
Rochdale  
Corporation  
to borrow  
and repay-  
ment of  
borrowed  
moneys.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A D. 1923. the said table and shall be repaid within the respective periods set forth in the fourth column thereof and the Rochdale Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

| Purpose.   | Amount.            | Charge.   | Period for Repayment.                             |
|--|--------------------|---|---|
|  | £                  |   |   |
| (1) For paying the costs charges and expenses of this Act as hereinafter defined.  | The sum requisite. | Borough fund and borough rate.                                      | Five years from the passing of this Act.          |
| 2) For purchase of the works lands property and rights of the company by this Act transferred.                                   | 135,019            | Revenue of the water undertaking and borough fund and borough rate. | Sixty years from the date or dates of borrowing.  |
| (3) For purchase of other lands and easements by this Act authorised to be acquired by the Rochdale Corporation.                 | 1,000              | Revenue of the water undertaking and borough fund and borough rate. | Sixty years from the date or dates of borrowing.  |
| (4) For construction of works by this Act authorised to be constructed by the Rochdale Corporation and works subsidiary thereto. | 80,000             | Revenue of the water undertaking and borough fund and borough rate. | Thirty years from the date or dates of borrowing. |
| (5) For purchase of other lands by this Act authorised to be acquired by the two Corporations.                                   | 202                | Revenue of the water undertaking and borough fund and borough rate. | Sixty years from the date or dates of borrowing.  |
| (6) For the construction of works by this Act authorised to be constructed by the two Corporations and works subsidiary thereto. | 68,048             | Revenue of the water undertaking and borough fund and borough rate. | Fifty years from the date or dates of borrowing.  |



(2) The Rochdale Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary for any of the purposes of this Act and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by that Minister and the revenue fund or rate chargeable for any moneys so borrowed shall be such as that Minister shall prescribe. A.D. 1923.

**65.** The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Rochdale Corporation under this Act as if they were re-enacted herein (that is to say) — Incorporation of provisions of Acts of Rochdale Corporation.

The Rochdale Corporation Water Act 1898—

- Section 54 (Provisions as to mortgages);
- Section 65 (Protection of lenders from inquiry);
- Section 70 (Application of money borrowed);
- Section 71 (Annual return to Local Government Board with respect to sinking fund):

The Rochdale Corporation Act 1900—

- Section 111 (As to repayment &c.) (except subsection (4) thereof);
- Section 112 (As to sinking fund);
- Section 129 (Inquiries by Local Government Board);
- Section 130 (Audit of accounts):

The Rochdale Corporation Act 1908—

- Section 39 (Mode of raising money); and
- Section 41 (Certain drawbacks to be allowed to railway and canal companies):

Provided that—

- (a) the said sections shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board;
- (b) the said section 129 of the said Act of 1900 shall for the purposes of this Act be read and have effect as if the words “not exceeding five guineas a day” were inserted therein in lieu of the words “not exceeding three guineas a day”;

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

- (c) the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to Rochdale Corporation to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of the application of the said sections 111 and 112 of the said Act of 1900; and
- (d) the said section 41 of the said Act of 1908 shall for the purposes of this Act be read and have effect as if the words "for the purposes mentioned in the section of this Act of which the marginal note is 'Power to Rochdale Corporation to borrow and repayment of borrowed moneys'" were inserted therein in lieu of the words "for the purposes (b) (c) and (d) mentioned in the section of this Act of which the marginal note is 'Power to borrow.'"

Alteration  
of rate basis  
for sinking  
fund calcu-  
lations of  
Rochdale  
Corporation.

**66.** Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an accumulating sinking fund which the Rochdale Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister of Health may from time to time approve.

Expenses of  
execution of  
Act.

**67.** All expenses incurred by the Oldham Corporation and the Rochdale Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the borough fund and borough rate.

Costs of  
Act.

**68.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Oldham Corporation and the Rochdale Corporation out of the borough fund or out of moneys to be borrowed under this Act for that purpose in the proportion of fifteen twenty-thirds by the Oldham Corporation and eight twenty-thirds by the Rochdale Corporation.



The SCHEDULES referred to in the  
foregoing Act.

A.D. 1923.

THE FIRST SCHEDULE.

THE ROCHDALE CANAL ACT 1794.

I. WHEREAS the making and maintaining a navigable canal from the Calder (otherwise Calder and Hebble) Navigation at or near Sowerby Bridge Wharf in the parish of Halifax in the west riding of the county of York to join the canal belonging to the most Noble Francis Duke of Bridgewater at or near Castle Field in the parish of Manchester in the county palatine of Lancaster and also certain navigable cuts hereinafter described to communicate with such intended canal will tend to promote the trade manufactures and commerce of this kingdom and be in other respects of great publick utility but the same cannot be effected without the authority of Parliament May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That Edward Allanson \* \* \* John Wyatt and their several and respective successors executors administrators and assigns together with such other person or persons as shall at any time hereafter be possessed of one or more share or shares as hereinafter mentioned of or in the said navigation shall be and are hereby united into a company for the making completing and maintaining the said navigable canal and cuts according to the rules orders and directions hereinafter expressed and shall for that purpose be and become one body corporate by the name of The Company of Proprietors of the Rochdale Canal and by that name shall have perpetual succession and shall have a common seal and by that name shall and may sue and be sued and also shall and may have power and authority to purchase lands and other hereditaments to them their successors and assigns for making the said canal and cuts and the several works hereby authorized to be made without incurring any of the penalties or forfeitures of the statutes of mortmain and the said Company of Proprietors shall be and are hereby authorized and impowered by themselves their agents officers servants and workmen from time to time to enter upon the lands of any body politick corporate or collegiate or other person or persons in order to survey measure and take levels of the same and to set out and ascertain such parts thereof as they

Preamble.

Proprietors' names.

Proprietors incorporated and their style directed.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

—  
 Company of  
 Proprietors  
 authorised  
 to make a  
 canal to  
 join the  
 Duke of  
 Bridge-  
 water's  
 Canal.

shall think necessary or proper for the making the said canal and cuts and other works and conveniences necessary and suitable to the same and by cuts tunnels or otherwise to make and complete a canal navigable and passable for boats barges and other vessels from the Calder (otherwise Calder and Hebble) Navigation at or near Sowerby Bridge Wharf in the parish of Halifax aforesaid by through or near Todmorden and Deyne Head in the parish of Rochdale and by or near the town of Middleton in the parish of Middleton and through the parish of Prestwich cum Oldham (which said parishes of Rochdale Middleton and Prestwich cum Oldham are in the county palatine of Lancaster) to join and communicate with the canal of the said Francis Duke of Bridgewater at or near Castle Field aforesaid in the said parish of Manchester and also to make and complete a cut for the navigation of boats barges and other vessels to branch from the said canal at or near a certain place or village called The Lower Place in the township of Castleton in the said parish of Rochdale to or near a place called The School Lane in the said township of Castleton and also to make and complete another cut for the navigation of boats barges and other vessels to branch from the said canal at or near a place in the parish of Manchester called Failsworth to a place on the north side of the new turnpike road leading from Manchester aforesaid to Oldham in the said county of Lancaster near to Hollingwood Chapel and to supply the said canal and cuts whilst making and at all times for ever after the same shall be made with water from the reservoirs to be made as hereinafter mentioned and also by or from the surplus waters in times of excess in the Rivers Calder and Roach and the brooks streams or rivulets which run into the said rivers respectively as hereinafter mentioned and also to make and use such and so many reservoirs for the purpose of supplying the said canal and cuts respectively with water in or upon the moors or commons called Blackstonedgedge or any inclosed lands within the distance of three hundred yards from the said moors or commons and also in or upon any lands adjoining or near to a certain brook or rivulet called Healees Brook otherwise Hollingworth Brook and its feeders and a certain other brook called Chelburn or Sladen Brook as the said Company of Proprietors shall think proper and such other reservoirs as are hereinafter particularly mentioned and described and for the better effectuating the purposes aforesaid the said Company of Proprietors their agents officers servants and workmen are hereby empowered to go enter and pass in upon over or through the lands rivers brooks streams and waters of or belonging to any person or persons bodies politick corporate or collegiate and to bore dig cut trench and sough and to remove and lay earth clay stone rubbish trees roots of trees gravel or sand or any other matters and things which may be dug or gotten in the making of the said canal and cuts or any



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

tunnels shafts trenches passages reservoirs sluices gutters A.D. 1923.

soughs ditches drains watercourses and other works which may be necessary or proper to be made for the purposes of this Act or which may hinder prevent or obstruct the making completing extending maintaining and using the same or any of them respectively according to the true intent and meaning of this Act and also to make build construct and set up in or upon the said canal cuts and reservoirs or any of them or in or upon the lands adjoining to or near the same any banks bridges tunnels shafts aqueducts watercourses trenches ditches culverts soughs sluices locks weirs drains steam engines wharfs warehouses toll houses quays landing places weigh beams cranes towing paths railways and other works roads ways and conveniences as and where the said Company of Proprietors shall think requisite or proper for the purpose of the said navigation and for the carriage and conveyance of coals timber and other goods merchandise and things to from and upon the said canal and cuts respectively and also for the carriage and conveyance of all such materials as may be necessary or used for the making altering repairing amending maintaining and using the said canal cuts and reservoirs respectively and the other works aforesaid and from time to time to alter widen enlarge amend and maintain the several works and conveniences aforesaid in such manner as they shall think proper and also to place lay work and manufacture all such materials as aforesaid on the lands where found or near to the place or places where the said works and conveniences or any of them shall be or are intended to be made or repaired and also to make maintain repair and alter any fences or passages over under or through the said canal and cuts and the works and conveniences aforesaid and also to make set up and appoint such towing paths banks and ways convenient for towing haling or drawing of boats barges and other vessels passing upon the said canal and cuts respectively and proper places for boats barges and other vessels navigating upon the said canal and cuts to turn lie or pass each other as they the said Company of Proprietors shall think proper and also to dig take and carry away and make use of for the purposes aforesaid any soil clay gravel or stone which may be proper or convenient for making carrying on and maintaining the said canal cuts and other works in or from the lands of any person or persons adjoining or lying contiguous thereto and to construct erect alter keep in repair and use any aqueducts piers arches and other works in upon and across any rivers or brooks for the making using maintaining and repairing the said canal and cuts and the towing paths on the sides thereof respectively so as to render the said canal and cuts passable throughout by boats barges and other vessels without impediment and also to construct and erect do and perform all other matters and things which shall be deemed necessary or proper for the making preserving maintaining extending improving

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. and using the said canal cuts reservoirs and other works and conveniences aforesaid according to the intent and meaning of this Act they the said Company of Proprietors their agents officers servants and workmen doing as little damage as may be in the execution of the several powers to them hereby granted and making satisfaction in manner hereinafter mentioned for all such damages as shall be sustained by the owners or proprietors of and other persons interested in the lands and hereditaments respectively which shall be taken used or prejudiced by or on the behalf of the said Company of Proprietors in the execution of any of the powers given by this Act and the said Company of Proprietors their agents officers and workmen and all other persons employed by or under the said company shall be hereby indemnified for what they shall do by virtue and in execution of the powers given to them by this Act subject nevertheless to such satisfaction for damages as aforesaid and to such provisoes and restrictions as are hereinafter mentioned.

\* \* \* \*

For preventing injury to the mill owners on the Irk Roach and Irwell.

VI. And for preventing injury or damage to the owners and occupiers of mills and millsteads upon the Rivers Irk Roach and Irwell by reason of making the said canal and other works be it further enacted that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors under any pretence whatever to take or use or suffer to be taken or used for the said canal or to flow or run into any reservoir or reservoirs or other works of or for the use of the same canal any of the watercourses or streams of water now flowing to or supplying or assisting in supplying with water any mill or mills situate upon the Rivers Irk Roach and Irwell or any of them or upon any of the rivulets streams or feeders flowing into or supplying the said rivers respectively but that each and every of such watercourses or streams of water which shall or may be crossed or diverted by the said canal or any reservoir conductor aqueduct or other works appertaining thereto shall be well and effectually conducted by tunnels culverts trenches or drains under or by the side of such canal reservoir or other works by the said Company of Proprietors immediately into the former and ancient course of such watercourses or streams of water so that the whole thereof shall flow into the said former and ancient course save and except that the surplus water of the said brooks called Heales Brook otherwise Hollingworth Brook and Chelburn or Sladen Brook and the streams or feeders running into the same respectively in times of excess shall and may be taken for the use of the said canal when the water shall fill and exceed certain gauges to be fixed by such persons of such dimensions and at such places only as is hereinafter mentioned.

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[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

XII. And be it further enacted that the said Company of Proprietors shall before any water shall be taken from the said river Roach or the brooks streams and watercourses supplying the same at their own costs and charges make and set up on the said brooks called Healees Brook otherwise Hollingworth Brook and Chelburn or Sladen Brook or the streams or feeders flowing into the same proper and sufficient gauges at such places and of such nature construction and dimensions as shall be fixed and determined in manner before mentioned and such works for securing and protecting the same as before mentioned and after the same shall be so made shall for ever afterwards maintain and keep the same in good and substantial repair.

A.D. 1923.

—  
 Company  
 to set up  
 gauges at  
 certain  
 places on  
 feeders of  
 the Roach.

XIII. And for preventing injury or damage to the owners and occupiers of mills and millsteads upon the said River Calder by reason of making the said canal and other works be it further enacted that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors under any pretence whatever to take or suffer to be taken or used for the said canal or to flow or run into any reservoir or reservoirs or other works of the navigation of or for the use of the said canal any of the springs feeders watercourses or streams of water now or usually flowing to or supplying or assisting in supplying with water any mill or mills situate upon the River Calder in the said counties of York and Lancaster or either of them or upon any of the rivulets streams or feeders flowing into or supplying the said River Calder but that each and every of such springs feeders watercourses or streams of water which shall or may be crossed or diverted by the said canal or any reservoir conductor aqueduct or other works appertaining thereto shall be well and effectually tunnelled and conducted under or by the side of such canal reservoir conductor or other works by the said Company of Proprietors immediately into the former and ancient course of such springs feeders watercourses or streams of water so that the whole thereof shall flow through such tunnel and into the said former and ancient course save and except that the surplus water in times of excess shall or may be taken for the use of the said canal when the water shall fill and exceed certain gauges or water marks to be fixed by the said Company of Proprietors of such dimensions at such places only and in such manner as hereinafter mentioned (that is to say) at Allenden Water above Longleys when the water flowing in that clough shall exceed a gauge of four inches deep by eight inches broad at Longleys Clough when the water of that clough shall exceed a gauge of two and a half inches deep and eight inches broad at Warland Clough when the water there shall exceed a gauge of three and a half inches deep and eighteen inches broad at Stonehouse Clough when the water there shall exceed a gauge of four and a half inches deep and eight inches broad at Strines Clough when the water there shall exceed a gauge of six and a

To prevent  
 injury to  
 mills &c. on  
 the Calder.



[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. — half inches deep and eighteen inches broad at Walsden Water above the junction with Strines Clough when the water there shall exceed a gauge of nine inches deep and eighteen inches broad at Midgelden Brook when the water there shall exceed a gauge of nine and a half inches deep and eighteen inches broad at the call or weir of the mill next above Todmorden belonging to Joshua Fielden when the stream or river shall flow over such call or weir more than two inches and seven twelfths of an inch mesne depth and thirty feet broad at Lambutts Clough when the water there shall exceed a gauge of nine and a quarter inches deep and ten inches broad at Shaw Clough when the water there shall exceed a gauge of five inches deep and eight inches broad at Stoodley Clough when the water there shall exceed a gauge of six inches deep and ten inches broad at Beaumont Clough when the water there shall exceed a gauge of four and three quarters inches deep and eight inches broad All which said several and respective gauges or water marks shall be fixed by the said Company of Proprietors before any water shall be taken as aforesaid and shall be made of durable metal not more than one inch thick and so placed that there shall be at each of such gauges a perpendicular fall of twelve inches immediately from the lowest part of the said gauges respectively to the surface of the water below the same which gauges shall be from time to time and at all times repaired maintained and kept in repair by the said Company of Proprietors and their successors.

\* \* \* \*

Engineers to  
ascertain  
gauges &c.

XV. And whereas by the making of the said canal reservoirs and other works some of the springs which now flow into the streams and watercourses supplying the mills on the said Rivers Irk Roach Irwell and Calder may be intercepted and diverted from flowing into the said streams and watercourses as they have been used to flow and the downfall water of showers may be intercepted and diverted from flowing to the supply of the said mills at times when water may be wanted for such supply be it therefore further enacted that the said Company of Proprietors shall and are hereby required in the first place and before all other uses or purposes whatsoever to discharge from the said canal and reservoirs for and towards the supply of the said mills a quantity of water equal to double the quantity of the water which shall be so intercepted and diverted and for ascertaining the quantity of water so to be discharged towards the supply of the mills on the said Rivers Irk Roach and Irwell three engineers or proper persons shall be appointed in manner following (that is to say) one such person shall be appointed by the owners of the major part of the mills on the said Rivers Irk and Roach and the said River Irwell below the junction thereof with the Roach by writing under their hands before the first day of July one thousand seven hundred and ninety-four and another such person shall be



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

appointed by writing under the common seal of the said Company of Proprietors before the said first day of July one thousand seven hundred and ninety-four and the said two persons shall and are hereby required by writing under their hands before the fifteenth day of July one thousand seven hundred and ninety-four to appoint a third person to act with them and for ascertaining the quantity of water so to be discharged towards the supply of the mills on the said River Calder three engineers or proper persons shall be appointed in manner following (that is to say) one such person shall be appointed by the owners of the major part of the mills upon the said River Calder above Salter Hebble by writing under their hands before the said first day of July one thousand seven hundred and ninety-four and another such person shall be appointed by writing under the common seal of the said Company of Proprietors before the said first day of July one thousand seven hundred and ninety-four and the said two persons shall and are hereby required by writing under their hands before the fifteenth day of July one thousand seven hundred and ninety-four to appoint a third person to act with them and the said persons so to be appointed for the respective purposes aforesaid shall and are hereby required to measure gauge and estimate the quantity of water arising from such springs as aforesaid which shall or may be so intercepted or diverted and also the quantity of downfall water of showers which shall or may be so diverted at times when such downfall waters would be useful to the said mills respectively and to deliver to the commissioners herein appointed to settle differences between the said Company of Proprietors of the said canal and the proprietors of lands or any five or more of such commissioners certificates in writing to be verified by the said persons so to be appointed respectively upon oath (which oath such commissioners are hereby authorised and required to administer) stating the true amount of such water as shall or may be so intercepted and diverted as aforesaid as the same shall be estimated by them respectively and the said commissioners or any five or more of them shall and are hereby authorised and required to direct such quantity of water as aforesaid to be discharged and in what manner and at what places the same shall be discharged and to direct such proper gauges to be fixed upon the said canal or reservoirs for the purpose of discharging such water as aforesaid of such dimensions as shall be sufficient to discharge double the quantity of water by such certificates declared to be intercepted and also to make and appoint such regulations respecting the same as they shall think proper and the said commissioners or any five or more of them shall from time to time make certificates in writing under their hands of what they shall determine or direct concerning the premises which certificates shall be recorded with the clerks of the peace for the said county of Lancaster and of the west riding of the said county of York and a copy of such

A.D. 1923.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. records signed by either of the said clerks of the peace shall at all times be admitted as evidence of the same and if such persons shall not be appointed for the said several rivers respectively in the manner and within the time aforesaid or in case of the death of any of them or any of their refusing to act the said commissioners or any five or more of them are hereby authorized and required by writing under their hands to appoint one or more proper person or persons for the purposes aforesaid so as to make up the number of three for the said Rivers Irk Roach and Irwell and three for the said River Calder and the person or persons so to be appointed shall and may act in the premises in the same manner as if he or they had been originally appointed as hereby first directed and all the expences of all the several persons so to be appointed as aforesaid and of the said commissioners shall be paid by the said Company of Proprietors.

For  
appointing  
agents to  
examine and  
inspect such  
gauges.

XVI. And be it further enacted that agents shall and may be appointed by and on the behalf of the owners of mills on the said Rivers Irk Roach Irwell and Calder to examine and inspect from time to time the state and condition of the said gauges in manner following (that is to say) it shall and may be lawful to and for the owners of the major part of the mills situate upon the said River Irk and the brooks streams and feeders flowing into the same river and which mills shall be liable to be affected by the making the said canal from time to time by writing under their hands to appoint one such agent on their behalf for the purposes aforesaid and that it shall and may be lawful to and for the owners of the major part of the mills situate upon the said River Roach and the said River Irwell below the junction thereof with the Roach and the brooks streams and feeders flowing into the said River Roach and which mills may be liable to be affected by the making and supplying the said canal in like manner to appoint one other such agent on their behalf for the purposes aforesaid and that it shall and may be lawful to and for the owners of the major part of the mills on the said River Calder above Salter Hebble and the brooks streams and feeders flowing into the said last-mentioned river and which mills may be liable to be affected by the making and supplying the said canal as aforesaid to appoint one other such agent on their behalf for the purposes aforesaid and that each of the said agents shall be paid by the said Company of Proprietors of the said canal at the rate of ten shillings and sixpence per day not exceeding eight days in each year.

Mill holders  
on the Calder  
may repair  
damages at  
the expence  
of the pro-  
prietors of  
the canal.

XVII. And be it further enacted that all persons interested in the water of the said River Irk the said River Roach the said River Irwell below the junction thereof with the Roach and the said River Calder above Sowerby wharf or any of the springs watercourses or streams of water flowing thereto shall at all times by themselves or their agents have free access to the whole



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

of the said canal and to any reservoir or reservoirs or other receiver or conductor of water for the purpose of supplying the same canal with water and into and upon the lands and ground of the said Company of Proprietors or any other person or persons whomsoever to view and examine the several places where water shall be taken for any reservoir or reservoirs or other works made for the use of the said canal for the purpose of ascertaining what quantity of water shall be taken to the use of the said canal or prevented from flowing to the use of the persons interested therein below and whether the gauges tunnels culverts trenches and drains hereinbefore mentioned to be fixed or placed shall be in good repair and if it shall at any time appear that from any obstruction want of repair or other cause the full and proper quantity of water is prevented from flowing or running to the entire use of the persons interested therein below it shall be lawful for such persons or any of them or their or any of their agents effectually to remove such obstruction or other cause and make any repair necessary to secure the full and proper flowing of the said water to the persons interested therein as aforesaid and all reasonable expences thereof together with the costs and charges attending the same shall be repaid by the said Company of Proprietors to any such person or persons aforesaid within the space of three calendar months next after an account and demand shall have been delivered and made thereof to any of their clerks or known agents and in default of such payment the commissioners hereinafter mentioned shall and are hereby required by warrant under their hands and seals to cause the same to be levied by distress and sale of the goods and chattels of the said Company of Proprietors and to be paid to such person and persons as aforesaid rendering to the said Company of Proprietors or to some of their agents the overplus (if any) after deducting the reasonable charges of making such distress and sale or otherwise such person or persons shall and may sue for and recover the same against the said Company of Proprietors by action of debt or on the case in any of His Majesty's Courts of Record at Westminster or in His Majesty's Court of Common Pleas for the said county of Lancaster.

A.D. 1923.  
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XL. Provided also that if the owner or worker or owners or workers of any coal or other mine or mines shall in pursuing or working such mine work near to or under the said canal cuts and reservoirs or any of them so as in the opinion of the said Company of Proprietors to endanger or damage the same or in the opinion of the owner or worker owners or workers of the said mine or mines to endanger or damage the further working thereof then it shall be lawful for the said Company of Proprietors to treat and agree with such owner or worker or owners or workers for all such coals or other minerals as may be near or under the said

Coal mines  
 &c. not to be  
 worked to  
 prejudice the  
 navigation. •



[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. — canal cuts and reservoirs or any of them as shall be thought proper to be left for the security or preservation of the said canal cuts and reservoirs or any of them and in case the said Company of Proprietors and such owner or worker or owners or workers of such mine or mines shall disagree touching the satisfaction to be made for such coal or other minerals then it shall be lawful for the said commissioners at the request of the said Company of Proprietors or of such owner or worker owners or workers of such mine or mines to cause a jury to be summoned and impannelled in the manner herein directed who shall and they are hereby authorized and required by such ways and means as aforesaid to assess and determine what satisfaction such owner or worker owners or workers of such mine or mines ought to have and receive from the said Company of Proprietors on being restrained from working such mine or mines and upon payment or satisfaction made to such owner or worker owners or workers of such mine or mines by the said Company of Proprietors according to the verdict or judgement of such jury such owner or worker owners or workers of such mine or mines shall be and he she or they is or are hereby perpetually restrained from working such mine or mines within the limits for which satisfaction shall be by the said jury adjudged and declared to extend.

Company's  
agents to be  
at liberty to  
enter lands  
or mines to  
view the  
works.

XLI. And be it further enacted that it shall be lawful for the said Company of Proprietors by themselves or their agents or servants at any time or times to enter upon any lands through or near which the said canal cuts and works hereby authorised to be made shall be or pass wherein any coal or other mines shall or may be dug or opened and likewise to enter into such coal or other mines and there to view search and measure latch and use all other means for the discovering the distance of the said canal cuts reservoirs and towing paths from the working parts of such mines respectively and in case it shall appear that any mine hath been worked or got contrary to the directions of this Act it shall be lawful for the said Company of Proprietors and for their agents servants or workmen at the expence costs and charges of the owners or proprietors of such mine to enter into and upon such mine and from time to time to use all necessary and reasonable ways and means for repairing supporting sustaining securing and making safe the said canal cuts and reservoirs towing paths and other works and such expences costs and charges shall be recovered by the said Company of Proprietors in case of nonpayment thereof upon demand in such and the same manner as any penalties are hereinafter directed to be recovered and shall be paid into the hands of the treasurer to the said Company of Proprietors for the use and benefit of the said company.

\* \* \* \*

Rights of  
lords of

LXXII. And be it further enacted that the lords and ladies of the several manors through which the said canal and cuts



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

shall be made shall have and be entitled to the exclusive right of fishery of and in so much of the said canal and cuts reservoirs trenches and sluices as shall be made over or through the common or waste lands within their manors respectively and also in over or through any other lands within any such manors wherein such lords or ladies now have or are entitled to the exclusive right of fishery in the ponds and waters now being in such last-mentioned lands respectively and the owners of all other lands through which the said canal and cuts shall be made shall also have and be entitled to the exclusive right of fishery of and in so much of the said canal and cuts reservoirs trenches and sluices as shall be made over or through their lands respectively so as in the use and exercise of the said right of fishery the said canal cuts reservoirs trenches or sluices and the towing paths banks or other works and conveniences hereby authorised to be made shall not be prejudiced or obstructed or any water drained or exhausted from or out of the said canal or cuts reservoirs trenches or sluices and so as the said Company of Proprietors or their agents servants or workmen or any of them shall not be liable to any penalty action or prosecution for or by reason of the taking or destroying of any fish in the said canal cuts reservoirs trenches or sluices which shall be taken killed or destroyed through or by means of the letting off the water out of the said canal cuts reservoirs trenches or sluices for or upon account of repairs of works to be done in or about the same.

A.D. 1923.

—  
manors and  
land owners  
to fishery  
saved.

\* \* \* \*

THE ROCHDALE CANAL ACT 1800.

XXXII. Provided always and be it further enacted that nothing herein contained shall extend or be construed to extend to repeal alter take away or abridge any of the clauses provisoes powers provisions restrictions or regulations in the said recited Act contained for preventing or giving redress in case of injury or damage to the owners or occupiers of mills and millsteads buildings and lands upon the Rivers Irk Roach Irwell and Calder and their respective brooks or feeders or for prohibiting or restricting the taking of water for the use and supply of the said canal cuts reservoirs and other works (except as therein is excepted) or providing regulations concerning the taking of such surplus water as therein is mentioned in times of excess or requiring any act matter or thing to be done for the benefit or protection of the said owners and occupiers of mills and millsteads buildings and lands upon the said rivers or either of them but that all and every such clauses provisoes powers provisions restrictions and regulations shall remain and continue in full force in every respect and shall apply as well to such part of the line of the said canal as shall be made pursuant to the deviations

Confirming  
the clauses in  
the former  
Act for the  
protection  
of the  
millholders.

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. hereby authorized as to that part of the original line of the said canal prescribed by the said Act which is not hereby authorized to be deviated from.

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The company not to take any water raised from mines.

XXXIV. Provided always and be it further enacted that it shall not be lawful for the said Company of Proprietors under any pretence whatever to take or use or suffer to be taken or used for the said canal or to suffer to flow or run into any reservoir or reservoirs of or for the use of the same canal any water which may be raised or produced from any mine or mines but that all such water raised or produced from such mine or mines shall by the said Company of Proprietors be prevented from running into their said canal reservoirs or other works and they are hereby required to prevent the same accordingly when the same shall come to the side of such canal reservoirs or other works by causing the same to be well and effectually conducted by tunnels culverts trenches or drains under or by the side of such canal reservoirs or other works to the intent that the same may be permitted to run or flow into some of the watercourses or streams of water flowing to or supplying or assisting in supplying with water such mill or mills as aforesaid Provided nevertheless that nothing herein contained shall extend or be construed deemed or taken to extend to require the said Company of Proprietors to stop or prevent from running or passing into their said canal any water which shall be raised or produced from any mine or mines as aforesaid by any person or persons body or bodies corporate other than the said Company of Proprietors and which when so raised or produced shall run or pass into the same canal through any navigable cut or cuts made to communicate therewith by any such person or persons or body or bodies corporate by virtue and under the authority of the said Act Provided always that any person or persons who may sustain any injury loss or damage by the water raised or produced from any mine or mines as aforesaid being conveyed into such canal by any such person or persons or body or bodies corporate as aforesaid through any such navigable cut or cuts made to communicate therewith as aforesaid may commence and prosecute such suits or remedies at law or in equity as they shall be advised and think proper against the person or persons causing such injury loss or damage but not against the said Company of Proprietors.



THE SECOND SCHEDULE.

A.D. 1923.

CONSTITUTION AND PROCEEDINGS OF THE  
OLDHAM AND ROCHDALE WATER  
JOINT MANAGING COMMITTEE.

PART I.—PROVISIONS AS TO APPOINTMENT AND QUALIFICATION  
OF MEMBERS TENURE OF OFFICE CASUAL VACANCIES &c.

(1) The first appointment of members of the joint committee by the Oldham Corporation and the Rochdale Corporation (each of whom is in this schedule included in the expression “ constituent authority ”) shall be made at a meeting of the constituent authority to be held before the date of transfer and the members so appointed shall subject to the provisions of this Act continue in office until the ninth day of November next following.

(2) Each constituent authority shall at their quarterly meeting held in the month of November in every year appoint the members of the joint committee whom they are by this Act authorised to appoint to hold office until the quarterly meeting in the month of November in the following year.

(3) If a constituent authority fail to appoint first members of the joint committee as by this Act provided it shall be competent nevertheless for the other members of the joint committee to exercise their powers under this Act and if a constituent authority fail subsequently to appoint members of the joint committee at the proper time for their appointment the then existing members of the joint committee representing such authority and qualified to be members of the joint committee shall continue in office till their successors are appointed.

(4) A person shall not be qualified to be a member of the joint committee unless he is a member of the constituent authority by whom he is appointed and if a member of the joint committee ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the joint committee.

(5) A person shall be disqualified for being appointed or being a member of the joint committee if he—

(a) holds any paid office under the joint committee save as permitted by this Act; or

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923.

(b) is concerned in any bargain or contract entered into with the joint committee or participates in the profit of any such bargain or contract or of any work done under the authority of the joint committee :

Provided that a person shall not be disqualified for being appointed or being a member of the joint committee by reason of being interested—

- (i) in any contract with the joint committee for the supply from land of which he is owner or occupier of water or materials for work done by or under the authority of the joint committee ; or
- (ii) in any newspaper in which any advertisement relating to the affairs of the joint committee is inserted ; or
- (iii) in any bargain or contract with the joint committee as a shareholder in any company ;

but he shall not vote at any meeting of the joint committee on any question in which he is so interested.

(6) Whenever an appointment of a member of the joint committee has been made the town clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the joint committee and shall forthwith transmit the certificate to the clerk to the joint committee. Provided that in the case of the first appointment the town clerk to each constituent authority shall return the names of the members appointed by his authority to the town clerk to the other constituent authority.

(7) A member of the joint committee may resign his office by notifying in writing his intention so to do to the chairman or clerk to the joint committee.

(8) If any member of the joint committee dies or resigns or is disqualified or ceases to be a member of the joint committee the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the joint committee in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(9) Subject to the provisions of this Act the term of office of chairman and vice-chairman shall be one year.

(10) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the joint committee before the appointment of his successor.



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

(11) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed by the same constituent authority in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office. A.D. 1923.

(12) If any member is absent from meetings of the joint committee for more than six months consecutively except for some reason approved by the joint committee he shall on the expiration of that period vacate his office.

(13) Where any member becomes disqualified for holding office or vacates his office from absence or otherwise the joint committee shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the joint committee think fit.

PART II.—PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

(1) The joint committee shall hold their first meeting at the town hall Oldham on the first day of October one thousand nine hundred and twenty-three at three o'clock in the afternoon or at such other place or on such other day and at such other time as may be agreed between the constituent authorities and subsequent meetings of the joint committee (including their annual meetings) shall be held at such places on such days and at such times as the joint committee may from time to time appoint.

(2) The chairman or any four or more members of the joint committee may at any time by writing addressed and sent to the clerk of the joint committee require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the joint committee shall be convened by the town clerk of Oldham until the joint committee have appointed a clerk and afterwards by the clerk to the joint committee. Every meeting shall be convened by circular delivered to each member of the joint committee or sent by post to or delivered at his residence four clear days at least before the day of the meeting.

(4) To constitute a meeting of the joint committee there must be present not less than three members of the joint committee which number shall include at least one member appointed by each constituent authority.

(5) Subject to the provisions of this Act at their first meeting and subsequently at their first meeting held after the ninth day

[Ch. lxxvii.] *Oldham and Rochdale* [13 & 14 GEO. 5.]  
*Corporations Water Act, 1923.*

A.D. 1923. of November in each succeeding year the joint committee shall  
— appoint a chairman and a vice-chairman to hold office until the  
ninth day of November following.

(6) (a) At every meeting the chairman of the joint committee shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

(b) Subject to the provisions of this Act every question at a meeting of the joint committee shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote. Provided always that if at any meeting neither the chairman nor vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(7) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies or prints of such minutes shall after each meeting be forwarded by the clerk to the joint committee to the town clerk to each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(8) (a) A minute of the proceedings of the joint committee or of a committee of the joint committee signed at the same or the next ensuing meeting by a member of the joint committee describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

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

PART III.—GENERAL.

(1) Subject to the provisions of this Act the joint committee may make standing orders for the regulation of their proceedings.

(2) The joint committee may appoint out of their own body such and so many committees either of a general or special



[13 & 14 GEO. 5.] *Oldham and Rochdale* [Ch. lxxvii.]  
*Corporations Water Act, 1923.*

nature consisting of such number of persons as they think fit for any purposes which in the opinion of the joint committee would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties to any committee of the joint committee so appointed. The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the joint committee as if they were committees of a county council.

A.D. 1923.  
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(3) The joint committee may appoint and may remunerate a clerk manager engineer treasurer and other such officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the joint committee at their pleasure. No member of the joint committee or of either of the constituent authorities shall be an officer of the joint committee but the same person may be and continue an officer of the joint committee and of a constituent authority. All acts and things required or authorised to be done by the clerk may (subject to any restrictions imposed by the joint committee) be done by a deputy-clerk who may act notwithstanding a vacancy in the office of clerk.

(4) No act or proceeding of the joint committee shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the joint committee.

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