



CHAPTER civ.

An Act to empower the urban district council of Leek to construct waterworks to make further provision with regard to their water undertaking and for other purposes. [7th August 1925.] A.D. 1925.

WHEREAS by virtue of the Leek Improvement Act 1855 the urban district council of Leek (in this Act called "the Council") are the owners of waterworks and are empowered to supply and are supplying water within the urban district of Leek:

And whereas the supply of water from the said waterworks is inadequate to meet the present and growing demand for such supply therein and it is expedient to empower the Council to make and maintain the additional waterworks in this Act mentioned:

And whereas it is expedient that the acquisition of certain lands and the construction of certain works by the Council as mentioned in this Act should be confirmed:

And whereas it is expedient to increase the maximum charges which the Council are entitled to demand and receive for the supply of water and to increase the borrowing powers of the Council in respect of their water undertaking and to make further provision in regard to such undertaking:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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And whereas an estimate has been prepared by the Council for the purpose hereinafter mentioned and such estimate is as follows:—

For the purchase of lands and easements	£
for and for the construction of the	
works authorised by this Act	- - 149,005

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

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

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

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

Short title.

1. This Act may be cited as the Leek Urban District Council Water Act 1925.

Incorporation of Acts.

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

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands:

Provided always that the bond required by section 85 of the said Act of 1845 shall be under the corporate seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section;

The Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the said Act of 1847 and except sections 75 to 82 of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their own benefit and except section 83 relating to accounts; A.D. 1925.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway.

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

"The Council" means the Leek Urban District Council;

"The district" means the urban district of Leek;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district;

"The water limits" means the limits within which the Council are for the time being authorised to supply water;

"Working day" means every day other than Sundays Christmas Day and the Monday next after Easter Day;

"The Lands Clauses Acts" means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to

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be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

(2) For the purposes of this Act the expressions “the promoters of the undertaking” “the company” and “the undertakers” in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Council and the expression “the railway” shall be construed to mean the reservoirs and so much of any aqueduct conduit line or lines of pipes by this Act authorised as shall not be constructed in a highway and “the centre of the railway” shall be construed to mean any part of the reservoirs by this Act authorised or of so much of such aqueduct conduit line or lines of pipes as aforesaid.

WORKS.

Power to
make water-
works.

4. Subject to the provisions of this Act the Council may wholly in the county of Stafford and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say)—

Work No. 1 An impounding reservoir (to be called “the Swainsmoor reservoir”) in the parish of Heathylee in the rural district of Leek to be

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formed by means of an embankment or dam 272 yards or thereabouts in length across the River Churnet commencing in the enclosure numbered in the said parish 877 on the $\frac{1}{2500}$ Ordnance map (sheet IV-11 second edition 1899) at a point 117 yards or thereabouts measured in a north-easterly direction from the south-west corner of that enclosure and terminating in the enclosure numbered 878 on the said map at a point 140 yards or thereabouts measured in a northerly direction from the south-east corner of the last-mentioned enclosure and to extend from the said embankment or dam to a point in the said river 562 yards or thereabouts measured in a northerly direction along the centre of the said river from the said embankment or dam :

Work No. 3 A service reservoir at Kniveden in the parish of Lowe in the said rural district in the enclosure numbered in the said parish 219 on the $\frac{1}{2500}$ Ordnance map (sheet VIII-10 second edition 1899) :

Work No. 4 A catchwater aqueduct conduit line or lines of pipes wholly in the said parish of Heathylee commencing in the enclosure numbered in the said parish 884 on the $\frac{1}{2500}$ Ordnance map (sheet IV-11 second edition 1899) at a point in the stream which passes through the said enclosure 44 yards or thereabouts measured in a south-westerly direction from the north-east corner of that enclosure and terminating in the Swainsmoor reservoir (Work No. 1) at or near the eastern end of the embankment or dam thereof :

Work No. 5 An access road wholly in the said parish of Heathylee commencing at the western end of the said embankment or dam of the Swainsmoor reservoir (Work No. 1) and terminating at the northern end of the enclosure numbered in the said parish 901 on the $\frac{1}{2500}$ Ordnance map (sheet IV-11 second edition 1899) :

Work No. 7 An access road wholly in the said parish of Lowe commencing at the south-west corner of the enclosure numbered in the said parish 219 on the $\frac{1}{2500}$ Ordnance map (sheet VIII-10 second edition 1899) and terminating at the

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south-west corner of the enclosure numbered in the said parish 215 on the said map :

Work No. 8 An aqueduct or line or lines of pipes commencing in the said parish of Heathylee in the Swainsmoor reservoir (Work No. 1) passing thence into and through the parishes of Tittesworth Leekfrith and Lowe in the said rural district of Leek and the district and terminating in the said parish of Lowe in the said service reservoir (Work No. 3) :

Work No. 9 An aqueduct or line or lines of pipes commencing in the said parish of Lowe in the said service reservoir (Work No. 3) and terminating in Ashbourne Road in the district by a junction with the existing water main of the Council in that road at a point 16 yards or thereabouts measured in a northerly direction from the northern end of the enclosure numbered in the said urban district 340 on the $\frac{1}{2500}$ Ordnance map (sheet VIII-10 second edition 1899) :

Work No. 11 An aqueduct or line or lines of pipes wholly in the said parish of Lowe commencing in the said service reservoir (Work No. 3) and terminating in the Debank service reservoir (Work No. 14) hereinafter described.

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

Limits of deviation.

5. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where in any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards :

Provided as follows (that is to say) :—

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(a) The Council shall not construct any embankment or wall of the Swainsmoor reservoir (Work No. 1) of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition :

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

6. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks or for any purposes of this Act the waters of the River Churnet and all such springs streams and waters as may be intercepted by the works authorised by this Act.

Power to
take waters.

7.—(1) If the works authorised by this Act are not completed within the period of seven years from the thirty-first day of December one thousand nine hundred and twenty-five then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of works.

(2) Provided that the Council may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require.

8.—(1) Until the date of the completion of the Swainsmoor reservoir (Work No. 1) the Council may take from the River Churnet any water they may require subject to the following restrictions :—

Compensa-
tion water.

(a) They shall place a gauge weir across the said river at or near the commencement of the catchwater aqueduct conduit line or lines of pipes (Work No. 8) through an aperture in which one hundred thousand gallons of water shall be allowed to pass and flow down the river every working day of twenty-four hours ;

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

(2) After the completion of the Swainsmoor reservoir (Work No. 1) authorised by this Act the Council shall during every working day of twenty-four hours discharge or deliver therefrom into the River Churnet at a point therein not more than two hundred yards below the foot of the embankment of the Swainsmoor reservoir not less than one hundred thousand gallons of water in a continuous flow.

(3) For the purpose of measuring the quantity of water to be so discharged or delivered into the said river the Council shall erect and maintain at a point on the said river situate not more than two hundred yards below the foot of the embankment of the said reservoir a proper and suitable measuring gauge over and through which the said waters shall flow and the same shall be open to the inspection and examination of all persons interested therein.

(4) In case of any neglect on the part of the Council to maintain such 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 so flow the Council 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 or any of them.

(5) If any difference arises between the Council and any person so interested with respect to the construction or use of such gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Minister of Agriculture and Fisheries.

(6) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the River Churnet or any such spring stream or water as aforesaid which the Council can divert collect impound or appropriate by means of the works authorised by this Act except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the river.

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9. For the protection of the London Midland and Scottish Railway Company as owners of the Trent and Mersey Canal Navigation (in this section called "the railway company") the following provisions shall unless otherwise agreed between the Council and the railway company apply and have effect (that is to say):—

For protection of London Midland and Scottish Railway Company.

If and so long as the Council shall collect divert or appropriate under the powers of this Act any waters of the River Churnet or of any streams flowing into the same the Council shall discharge into the said river as purified effluent the effluent of all sewage received and treated at the works of the Council situate at Barnfields or any extension thereof or any works which may hereafter be substituted therefor or any new sewage works which the Council may hereafter construct or use and the Council shall not do any act or thing which may or shall have the effect of preventing any effluent arising from the treatment of sewage on the farm lands in the parishes of Lowe Longsdon and Leekfrith or elsewhere on which sewage from the district is now treated passing into the said river.

10. The construction of the existing waterworks of the Council hereinafter described is hereby sanctioned and confirmed and the Council may subject to the provisions of this Act maintain and from time to time alter improve enlarge extend renew reconstruct and use or discontinue all or any of the same and may retain and use for the purposes of their undertaking all or any of the lands in this section mentioned or as the case may be any interests in any such lands which have been already acquired by the Council for the purposes of or in connection with the said works.

Confirming construction of works and acquisition of lands.

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The existing works and lands hereinbefore referred to are as follows :—

Work No. 12 A collecting tank together with collecting chambers works pipes and apparatus connected therewith situate partly in the said parish of Leekfrith and partly in the said parish of Heathylee in the enclosures numbered in the said parish of Leekfrith 466 473 474 1169 1171 and 1186 and in the said parish of Heathylee 1004 1006 and 1007 on the $\frac{1}{2500}$ Ordnance map (sheets IV-11 and 15 second edition 1899) :

Work No. 13 A line or lines of pipes commencing in the said parish of Heathylee in the said collecting tank (Work No. 12) and terminating in the said parish of Lowe in the Debank service reservoir (Work No. 14) hereinafter described :

Work No. 14 A service reservoir known as the Debank service reservoir in the said parish of Lowe in the enclosure numbered in the said parish 61 on the $\frac{1}{2500}$ Ordnance map (sheet VIII-6 second edition 1899) :

Work No. 15 A line of pipes commencing in the said Debank service reservoir (Work No. 14) and terminating in the district in the existing reservoir of the Council known as the Mount Pleasant service reservoir :

Work No. 16 An impounding reservoir known as the Upper Blackshaw Moor reservoir partly in the enclosures numbered in the said parish of Tittesworth 33 and 34 on the $\frac{1}{2500}$ Ordnance map (sheets IV-15 and VIII-3 second edition 1899) and partly in the enclosures numbered in the parish of Bradnop and Cawdry (detached No. 1) in the said rural district of Leek 58 and 59 on the said map :

Work No. 17 A line of pipes wholly in the said parish of Tittesworth commencing in the said Upper Blackshaw Moor reservoir (Work No. 16) in the enclosure numbered in the said parish 34 on the $\frac{1}{2500}$ Ordnance map (sheet IV-15 second edition 1899) and terminating by a junction with the said line of pipes (Work No. 13) at a point in

the main road from Leek to Buxton thirty-four yards or thereabouts measured in a south-westerly direction from the northern corner of the enclosure numbered in the said parish 41 on the $\frac{1}{2500}$ Ordnance map (sheet VIII-3 second edition 1899):

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Work No. 18 An impounding reservoir known as the Lower Blackshaw Moor reservoir partly in the enclosures numbered in the said parish of Bradnop and Cawdry (detached No. 1) 55 56 and 57 on the $\frac{1}{2500}$ Ordnance map (sheet IV-15 second edition 1899) and partly in the enclosure numbered in the said parish of Tittesworth 17 on the said map.

11. For the protection of the Churnet and Dove Millowners' Association (in this section called "the association") the following provisions shall unless otherwise agreed in writing between the association and the Council apply and have effect (that is to say):—

For protection of Churnet and Dove Millowners' Association.

- (1) The Lower Blackshaw Moor reservoir (Work No. 18) shall hereafter be used solely for compensation water purposes and the Council shall not hereafter take or use for the purposes of supply any of the waters impounded thereby:
- (2) For every two gallons of water which on any day of twenty-four hours calculated from noon on any one day to noon on the next day the Council shall collect impound take use divert or appropriate for the purposes of supply from the collecting tank (Work No. 12) the Council shall on the same day discharge or deliver one gallon of water as compensation water from the Upper Blackshaw Moor reservoir (Work No. 16) or the Lower Blackshaw Moor reservoir (Work No. 18) into the stream on which the said Lower Blackshaw Moor reservoir is situate or from any compensation or other reservoirs of the Council into the River Churnet:

Provided always that any water discharged by the Council under the provisions of the section of this Act of which the marginal note is "Compensation water" shall not be deemed to be compensation water for the purposes of this section:

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Provided also that any water discharged from the Fountain Street reservoir of the Council which flows directly or indirectly into the River Churnet shall for the purposes of this section be deemed to be discharged or delivered into the said river:

- (3) For the purpose of measuring the quantities of water referred to in subsection (2) of this section the Council shall within three months after the passing of this Act erect so far as the same do not already exist and thereafter maintain to the reasonable satisfaction of the association at points on (a) the line of pipes by which any water is so taken for the purposes of supply from the said collecting tank (Work No. 12) and not more than twenty yards from the said tank and (b) the stream on which the Lower Blackshaw Moor reservoir is situate and not more than two hundred yards below the foot of the embankment of the said reservoir and (c) in any other case at each point where water is discharged or delivered or deemed to be discharged or delivered as aforesaid into the said river proper and suitable meters or gauges through or over which the said waters shall flow and the Council shall at all reasonable times allow any duly authorised representative of the association to inspect and take copies of the records of the said meters or gauges for the preceding three months:
- (4) If from any cause the Council shall fail upon any day to discharge or deliver water into the said stream or river in accordance with the provisions of this section the Council shall upon such day notify the fact by post to the association and shall within one month from the time of such failure pay to the association compensation for each such daily deficiency at the rate of two pounds and eight shillings for every fifty thousand gallons per day of the deficiency:
- (5) The waterworks of the Council in the portion of the Churnet watershed above Tittesworth

reservoir and the gauges and meters in subsection (3) of this section referred to shall so far as may be necessary for the purposes of seeing that the provisions of this section are duly complied with at all reasonable times be open to the inspection and examination of any person duly authorised by the association and the Council shall from time to time pay to the association the fair and reasonable expenses incurred by the association of and in connection with such inspection and examination :

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- (6) If upon any such inspection it shall appear that the Council are not discharging or delivering water into the said stream or river in accordance with the provisions of this section and the Council shall have failed to notify such deficiency to the association as hereinbefore provided by subsection (4) of this section the deficiency in such discharge or delivery shall be deemed to have continued for seven days and the Council shall pay to the association in respect thereof compensation in money at the rate mentioned in the said subsection (4) :
- (7) Neither the provisions of this Act nor the acceptance by the association of any money compensation paid to the association as aforesaid shall prejudice or affect the right of the association or of any member of the association to require that the quantity of water (if any) which the Council may fail to discharge or deliver into the said stream or river in accordance with the provisions of subsection (2) of this section shall be so discharged or delivered out of the water which but for the provisions of this subsection the Council would after such failure be entitled to take for the purposes of supply from the collecting tank (Work No. 12) or the Upper Blackshaw Moor reservoir (Work No. 18) and for that purpose the Council shall construct such works pipes apparatus and meters or gauges at and near the said tank and reservoir as may be reasonably necessary :
- (8) The Council shall keep daily records of the quantity of compensation water discharged

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under the provisions of the section of this Act of which the marginal note is "Compensation water" and shall from time to time when requested by the association send to the association a copy of such records for a period not exceeding the previous three months and shall allow any person duly authorised by the association at all reasonable times to inspect such records for the preceding three months:

(9) The Council shall not increase nor permit or suffer any increase to be made in the area of land which at the passing of this Act is irrigated by means of sewage effluent from the district:

(10) The Council shall not alter or permit or suffer to be altered the level or place at which their outfall sewers at the passing of this Act discharge themselves into the River Churnet but if the Council shall hereafter establish new sewage works for the northern part of the district nothing in this subsection shall prevent the Council discharging as purified effluent the effluent of all sewage and trade waste treated at such works into the said river at such point as the Council may determine not being lower down the said river than the said level or place and discontinuing the use of the said existing outfall sewers for the discharge of sewage effluent from the northern part of the district:

Provided that nothing in this subsection shall affect any rights of irrigation to which any landowners may be entitled by virtue of an Act of Parliament or otherwise:

(11) Notwithstanding anything in this Act contained the Council shall not without the previous consent in writing of the association agree to any alteration or variation of the section of this Act of which the marginal note is "For protection of London Midland and Scottish Railway Company":

(12) The Council shall pay to the association for and on behalf of the members of the association who joined in opposing the Bill for this Act the sum of three hundred and fifty pounds

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towards the costs incurred by them of and in connection with their opposition to the Bill for this Act and the insertion therein of the clauses and amendments for their protection :

- (13) Any difference arising between the association and the Council under this section and any matter required by this section to be determined by arbitration shall be referred to and determined by a single arbitrator to be appointed failing agreement at the request of either party after notice in writing to the other by the Minister of Agriculture and Fisheries and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

12. Subject to the provisions of this Act the works authorised by and all lands acquired by the Council under the powers of this Act and the works and lands mentioned in the section of this Act of which the marginal note is " Confirming construction of works and acquisition of lands " but as regards the lands on which the last-mentioned works are situate only so far as such lands or as the case may be interests therein have been or shall be acquired by the Council shall for all purposes whatsoever form part of and be comprised in the water undertaking of the Council.

Works to form part of undertaking.

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

Limiting powers of Council to abstract water.

14.—(1) The Council may make byelaws for the protection of their waterworks for the prevention of pollution of the waters to be collected impounded taken used diverted or appropriated under the powers of this Act and for the prevention of any act or thing tending to the pollution of such waters.

Byelaws for protection of waters.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) The Council shall pay compensation to any owner commoner or other person injuriously affected by

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any byelaws made under the provisions of this section and such compensation failing agreement shall be settled by arbitration.

Discharge
of water
into
streams.

15.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir aqueduct line of pipes or other work of the Council the Council may cause the water in any such work to be discharged into any available stream watercourse or ditch :

Provided that any water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons 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 in accordance with the provisions of the Arbitration Act 1889.

Telephonic
wires and
apparatus
in streets.

16.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets the Council may for the purposes of effecting telegraphic or telephonic communication between to or from the Council's works or offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath within the water limits or within which any mains pipes or apparatus of the Council may be constructed or laid under the powers of this Act :

Provided that the Council shall not lay down maintain alter repair or renew any mains tubes or wires through across or under any road bridge or bridge approach of the London Midland and Scottish Railway Company except with the consent of such railway company in writing which consent shall not be unreasonably withheld and under the supervision (if given) and to the reasonable satisfaction of the engineer of such railway company and that if any question shall arise as to whether any such consent is unreasonably withheld such question shall be referred to and determined by an engineer to be agreed upon between the parties in difference or failing agreement appointed by the President of the Institution of Civil Engineers on the application

of either party and that subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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(2) Any electric wires telegraphs telephones or other apparatus or appliances laid down or maintained by the Council under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

17.—(1) The Council shall erect fit up and maintain or provide:—

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

Accommodation for workmen employed on construction of works.

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

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

(3) The medical officer of health of the Staffordshire County Council (hereinafter in this section referred to as "the county council") shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain

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whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

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

(5) If at any time it appears to the county council that the Council have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Council shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Council give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

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

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

(8) The Council shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding three guineas a day for the services of any inspector in connection with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

LANDS.

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18. Subject to the provisions of this Act the Council may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works authorised by this Act.

Power to acquire lands.

19. For the purpose of preventing the contamination of or interference with any waters which can or may be intercepted or taken at the existing waterworks of the Council (Works Nos. 12 to 18) hereinbefore referred to and of ensuring the continued purity of the waters to be obtained therefrom the Council may enter upon and take the lands hereinafter described as shown on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of and in connection with their water undertaking.

Purchase of certain lands to safeguard supplies.

The lands above referred to are:—

Lands in the parish of Leekfrith in the rural district of Leek in the county of Stafford comprising an area of sixty-one acres or thereabouts and being the fields or enclosures numbered in the said parish 437 to 446 450 to 457 464 to 466 and 473 to 475 and part of the enclosure numbered 472 on the $\frac{1}{2500}$ Ordnance map (sheet IV-11 and 15 second edition 1899).

20.—(1) Notwithstanding anything contained in this Act the Council may subject to the provisions of this Act acquire compulsorily easements or rights of passage over or using the lands hereinafter in this section described or any of them for the purposes of approaches and gaining accesses to the works authorised by this Act or any of them and of laying down and maintaining thereon and thereover during the construction of the said works or any of them lines of rails and any necessary or convenient works or apparatus connected therewith for the purpose of conveying any materials matters or things for or arising in the construction of any of the said works.

Compulsory acquisition of certain easements.

The said lands hereinbefore referred to are as follows:—

A strip of land in the said parish of Heathylee being the site of an occupation road varying in width

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from five yards or thereabouts to thirteen yards or thereabouts commencing at the termination of the access road (Work No. 5) hereinbefore described and terminating at the junction of the said occupation road with the main road from Leek to Buxton.

(2) The provisions of the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement shall extend and apply to any such easements or rights as if the same were lands within the meaning of those Acts.

Acquisition
of ease-
ments.

21.—(1) The Council 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 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 Council have acquired easements only under the provisions of this section the Council 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 that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they shall 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.

22. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of December one thousand nine hundred and twenty-five.

23.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished.

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—
Extinction
of private
rights of
way.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

24. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the seventeenth day of November one thousand nine hundred and twenty-four if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compen-
sation in
case of
recently
acquired
interests

25.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take or which may flow into any waterworks of the Council the Council may by agreement purchase take on lease or acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

Powers for
protection
of water
supply.

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health 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 water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and

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conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Council may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Council 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 which the Council are for the time being authorised to take.

Purchase of
additional
lands by
agreement.

26.—(1) Subject to the provisions of this Act the Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of their water undertaking.

(2) The Council may on any lands acquired under this section or held for the purposes of their water undertaking execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847.

(3) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

Persons
under dis-
ability may
grant ease-
ments &c.

27. 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 Council 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. 1925.

28. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Stafford for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Stafford and a duplicate thereof shall also be deposited with the clerk of any urban or rural district council in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of urban or rural district council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate. Correction of errors in deposited plans and book of reference.

29. Notwithstanding anything in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell Power to retain sell &c. lands.

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exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Reserva-
tion of
water
rights &c.
on sale.

30. The Council on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of
sale of sur-
plus lands.

31.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of lands so remaining to be acquired but the Council shall apply any capital moneys so received and not applied as aforesaid in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other power of raising money for the purpose of their water undertaking and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

- (a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act;
- (b) The borrowing powers conferred by this Act shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Subject as aforesaid any capital moneys received by the Council under the section of this Act of which the marginal note is "Power to retain sell &c. lands" shall be applied in such manner as may be approved by the Minister of Health.

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32. For the protection of Hilda Ethelfreda Harpur Mosley of Calke Abbey in the county of Derby her heirs and successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the estates of the said Hilda Ethelfreda Harpur Mosley in the county of Stafford known as the "Warslow Hall Estate" (all of which persons are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the Council and the owner apply and have effect (that is to say):—

For protection of Warslow Hall Estate.

(1) The Council shall purchase and the owner shall sell the lands shown and edged green on the plan signed by Godfrey Mosley as representing the owner and by Harold Henshaw as representing the Council and in this section referred to as "the signed plan" for such price as may be agreed upon between the Council and the owner or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement by a single arbitrator to be agreed upon between the Council and the owner or failing agreement appointed by the President of the Surveyors' Institution and upon the terms following namely:—

(a) Such sale shall be subject to all existing tenancies and tenant right and any apportionment of rent failing agreement between the Council and the owner shall be determined by arbitration as provided by this section and the land tax and tithe rentcharge (if any) and other outgoings shall be apportioned at the expense of the Council;

(b) The exclusive right for the owner and persons authorised by her of sporting and fishing over the said lands whether or not

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hereafter covered with water with a right of access to and of entry thereon shall be reserved to the owner :

Provided that the Council shall be entitled to stock the reservoirs by this Act authorised with such fish as they think fit ;

(c) If any alterations of the means of drainage of any property of the owner or any works affecting the same are required in order to prevent pollution of the Council's water supplies the Council may on giving one month's notice in writing to the owner specifying the alterations or works required as aforesaid carry out such alterations or works and in such case the Council shall forthwith do all such acts as may be reasonably necessary in order to provide as adequate and sufficient means of drainage for such property as the means of drainage so affected. The Council shall also make reasonable compensation to the owner and her tenants for any injury caused to them in carrying out any such alterations works or acts and such compensation shall be settled in case of difference by arbitration as hereinafter in this section provided :

Provided always that if the owner shall within one month of receiving any such notice as aforesaid from the Council intimate in writing to the Council that the owner desires to carry out any such alterations of the said means of drainage or any such works which are required as aforesaid the owner may carry out such alterations and works and the Council shall repay to the owner the reasonable cost thereof :

Provided also that if the owner shall have given any such intimation as aforesaid and shall not commence such alterations and works forthwith or shall not proceed with the same with due despatch the Council may carry out such works and alterations as if no such intimation had been given to them by the owner :

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- (2) There shall be reserved for the owner and her tenants a perpetual right of way over the road shown by a green colour on the signed plan and over the roads to be made as hereinafter provided between the points marked A and B and the points marked C and D respectively on the signed plan and in the event of the Council purchasing any lands on which the occupation road leading from the said point marked C to the main road from Leek to Buxton or any part thereof is situate there shall be reserved for the owner and her tenants a perpetual right of way over such occupation road or part thereof. Such fences and gates on the sides of or across such roads as may be necessary for the occupation of the lands of the owner abutting on such roads shall be maintained by the Council :
- (3) The Council shall make and maintain roads suitable for farm purposes between the points marked A and B and the points marked C and D respectively on the signed plan :
- (4) In any cases in which access to farm buildings or lands of the owner shall be temporarily interfered with by any works of the Council under this Act a proper and convenient substituted access to the reasonable satisfaction of the owner shall be provided by the Council :
- (5) The Council shall be responsible for all damage to the stock of the owner or her tenants caused in the execution of the works authorised by this Act and for all damage to the owner or her tenants or her or their animals crops property and game caused by workmen or others in the employ of the Council or their contractors :
- (6) The Council shall during the construction of the Swainsmoor reservoir and Works Nos. 4 5 and 8 by this Act authorised by the employment of a watchman or otherwise so far as reasonably practicable protect the game on the lands of the owner from disturbance and prevent any trespass on or damage to the property of the owner :

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- (7) In all cases where the supply of water to any property of the owner is severed or injured the Council shall at all times give and maintain free of charge to the owner or her tenants of such property a supply of water equivalent to any diminution in any such supply :
- (8) The Council shall not for the purposes of or in connection with the construction and maintenance of the aqueduct Work No. 8 by this Act authorised so far as the same is intended to be laid through the lands of the owner acquire any lands of the owner not included within the lands shown and edged green on the signed plan but the Council may purchase and take and the owner shall at the request of the Council sell and grant such easements and rights in under or over any lands of the owner which are not so included as aforesaid as they may require for executing maintaining and repairing the said aqueduct and the provisions of the Lands Clauses Acts shall extend and apply to the acquisition of such easements as if the same were lands within the meaning of those Acts :
- (9) In the construction and maintenance of the aqueduct and any other works through any lands of the owner the Council shall first carefully remove from the surface all turf and vegetable soil on the line or site of the said aqueduct and works and on the completion of the same or of any repair or other maintenance thereof they shall replace the turf and restore the surface as nearly as may be to its former level and state All surplus material excavated for the purposes of the construction or maintenance of the said aqueduct and works shall be disposed of as the owner may from time to time direct on the estates of the owner at any place not being more than one mile from the said aqueduct :
- (10) Any telegraph or telephone wires or other means of communication laid by the Council through the estates of the owner shall save so far as they may be laid underground be

placed along the road from Upper Hulme to the Swainsmoor reservoir : A.D. 1925.

- (11) The Council shall not without the consent of the owner construct the said aqueduct through any part of the estates of the owner so that the top of the aqueduct shall be less than two feet under the present surface of the ground :
- (12) The Council shall so soon as the said aqueduct where it is constructed through any lands of the owner is completed remove any fences which the Council may have erected for the purposes of fencing in any excavations from time to time made on such lands (save such fences as the Council are by this section required to provide or maintain) and shall restore the surface of the ground excavated to its former condition so far as may be reasonably required by the owner :
- (13) The Council shall make good any means of drainage and sewerage of the estates of the owner which may be interfered with by the construction or maintenance of the said aqueduct or any works in connection therewith or at the option of the owner shall permit her to employ her own workmen for that purpose the Council paying all reasonable costs thereof The Council shall also at the request of the owner make reasonable provision for carrying means of drainage or sewerage of the estates of the owner by suitable culverts across the said aqueduct :
- (14) All fences gates watercourses roads conveniences and other property of the owner which may be interfered with by the Council during the construction or maintenance of the said aqueduct and works in connection therewith shall subject to the provisions of this section forthwith after such interference be made good by the Council :
- (15) The Council shall construct maintain and keep all works constructed and maintained by them under the authority of this Act in upon or near the estates of the owner so far as

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practicable watertight and shall compensate and indemnify the owner her lessees and tenants for and against any loss or damage caused by the leakage or bursting of any such works :

- (16) The owner and her tenants shall be entitled to pass over and use the land over or under the said aqueduct for all purposes (except such as would injure the said aqueduct or interfere with its maintenance) and the owner and her tenants may lay out construct and use over or under the said aqueduct any roads drains or pipes provided that such construction and use shall not interfere with the maintenance of or injure the said aqueduct or any works in connection therewith The Council shall not fence off or sever any lands of the owner in respect of which the Council acquire any easement or right under the powers of this Act :
- (17) The provisions of this section shall (except in regard to matters expressly provided for by this section) be in addition to and not in derogation of any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner :
- (18) Any difference which may from time to time arise between the owner and the Council with respect to any question under this section other than any difference as to any compensation to be paid by the Council to the owner for the compulsory acquisition or the injurious affection of her property or the acquisition of any right or easement therein shall be settled in the manner provided by the Arbitration Act 1889.

SUPPLY.

33. As from the quarter day next after the passing of this Act section 53 of the Leek Improvement Act 1855 shall be repealed and in lieu thereof the following provisions shall have effect (that is to say):—

The Council shall at the request of the owner or occupier of any dwelling-house or part of a

Rates for supply of water for domestic purposes.

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dwelling-house entitled under the provisions of the Leek Improvement Act 1855 or this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding ten per centum upon the rateable value of the premises so supplied :

Provided that the Council shall not be required to supply any premises with water at a less sum than eight shillings and eightpence per annum.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

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

Rates payable by owners of small houses.

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Council not bound to supply several houses by one pipe.

Notice of discontinuance.

Byelaws for preventing waste &c. of water.

Supply by meter.

35. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

36. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

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

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

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

38. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates

Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

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39.—(1) The Council shall not be bound to supply with water otherwise than by meter (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse hospital asylum (whether public or private) sanatorium school club hotel public house or inn or (c) any boarding-house capable of accommodating at least twelve persons or (d) any other public institution which is habitually occupied by at least twenty persons.

Supply to houses partly used for trade &c.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

40. The price to be charged for a supply of water by meter shall not exceed two shillings and sixpence a thousand gallons.

Price of supply by meter.

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

Notice to Council of connecting or disconnecting meters.

42. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any

Injuring meters &c.

A.D. 1925. pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

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

Power to supply fittings.

43.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Council in providing

such materials and executing such work shall be paid by the person requiring the same. A.D. 1925.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof:

Provided as follows:—

- (a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note therefor delivered by the Council to the consumer;
- (c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Council for such year.

44. The Council may on the application of the owner or occupier of any premises within the district abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act:

Power to lay pipes in private streets.

Provided that nothing in this section shall apply to any street belonging to and forming the approach to

A.D. 1925. any station depôt or works of the London Midland and Scottish Railway Company except with the consent of such railway company in writing which consent shall not be unreasonably withheld nor shall the Council in exercising the powers of this section unreasonably obstruct or interfere with the convenient access to or exit from any such street station depôt or works.

As to supply of water for motor vehicles &c.

45. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be recoverable in all respects with and as the water rate.

Payment of water rates.

46. Notwithstanding anything contained in section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates and charges shall be payable at such date or dates as the Council may from time to time appoint :

Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

As to communication pipes.

47.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Council to maintain any pipe or apparatus used for the supply of water from the works of the Council the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the

agreement is made and shall be recoverable summarily as a civil debt. A.D. 1925.

48. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Council to connect communication pipes with mains.

49.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Council to repair communication pipes.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

50. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or

Maintenance of common pipe.

A.D. 1925. occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Inter-
ference
with valves
pipes and
fittings.

51. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained :

Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Application
of section 35
of Water-
works
Clauses
Act 1847.

52. Section 35 of the Waterworks Clauses Act 1847 in its application to the Council shall be read and construed as if the words "one-sixth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively.

Supply to
certain
persons
outside
water
limits.

53. The Council may with the consent of the rural district council of Leek enter into and carry into effect agreements with the owner or occupier of any premises in the said rural district which or any part of which are situate within two hundred yards of any aqueduct conduit line or lines of pipes forming part of the water undertaking of the Council in the said rural district for the supply to such premises of water for domestic or other purposes and for such remuneration and on such terms and conditions and for such period as may be agreed upon and may carry out any necessary works for affording any such supply.

For protec-
tion of
Stafford-
shire
County
Council.

54. The following provisions for the protection of the county council of Stafford (in this section referred to as "the county council") shall unless otherwise agreed in writing between the county council and the

Council apply and have effect as regards the works authorised by this Act :— A.D. 1925.

(1) All mains pipes or other works (not being renewals or replacements of previously existing works or consumers' service pipes) to be laid or constructed in along or across any main road or county bridge or county bridge approach vested in the county council shall so far as practicable be laid in such position as the surveyor of the county council (in this section referred to as "the county surveyor") shall by writing under his hand reasonably direct and in accordance with plans and sections to be reasonably approved by him in writing before the commencement of the work. All such plans and sections shall except in cases of emergency be delivered to the county surveyor not less than seven days before the Council commence the works. All such plans shall as respects any bridge or bridge approach be on a scale of not less than four feet to an inch and as respects any main road on a scale of not less than $\frac{1}{2500}$ and the sections shall be to suitable scale to clearly show the proposed works. Provided that if the county surveyor shall not within seven days after any such plans and sections shall have been so submitted express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :

(2) All such works shall be executed so as not to stop or unreasonably to impede or interfere with the traffic over or along any such road bridge or approach and the Council shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length of any such road than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of one hundred yards between consecutive openings or breakings up unless with the like consent :

(3) The county council shall not except in the case of their negligence be liable for any claim for

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damages in respect of any injury which may be caused to any mains pipes or other works of the Council constructed under the powers of this Act through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance :

- (4) Nothing in this Act shall authorise the Council to interfere with the structural part of any such bridge or approach without the consent in writing of the county surveyor which consent shall not be unreasonably withheld :
- (5) If any road bridge culvert drain pipe or other property repairable by the county council is broken up or damaged by the Council for the purpose of constructing laying renewing or repairing any works of the Council authorised by this Act the Council shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the county surveyor and if the same is not so repaired the county surveyor may cause the necessary repairs to be carried out and the reasonable cost of carrying out the same shall be a debt due from the Council to the county council :
- (6) The Council shall to the reasonable satisfaction of the county surveyor keep the portion of all roads vested in the county council which shall be broken up by the Council under the powers of this Act in good repair for twelve months after replacing and making good the same and if at any time during the said period the Council shall neglect to keep any such portion of road in good repair the county surveyor on giving seven days' previous notice in writing to the Council may carry out any necessary repairs and the county council may recover the reasonable costs of carrying out the same from the Council :
- (7) Nothing in this Act shall interfere with the right of the county council to alter the level of or deviate drain widen reconstruct or improve in any reasonable manner any main road or county bridge or any approach thereto in or along which any mains pipes or other works of the Council shall have been laid under the powers of this Act :

- (8) If any difference shall arise between the county council or the county surveyor and the Council touching anything to be done or not to be done under the provisions of this section such difference shall be referred to and determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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FINANCIAL AND MISCELLANEOUS.

55.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenue fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

Power to borrow.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(a) The purchase of lands and easements for and the construction of the Swainsmoor reservoir (Work No. 1) authorised by this Act.	£ 127,453	The revenue of the water undertaking of the Council and the district fund and general district rate.	Sixty years from the date or dates of borrowing.
(b) The construction of Works Nos. 3 4 5 7 8 9 and 11 authorised by this Act.	21,552	The same -	Thirty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	The same -	Five years from the passing of this Act.

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(2) (a) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act or of the Council's water undertaking.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

Section 234
of Public
Health
Act not to
apply.

56. The powers of borrowing money conferred by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Method of
raising
money.

57. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds 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.

Provisions
of Public
Health
Act as to
mortgages
to apply.

58. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Expenses of
execution
of Act.

59. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the revenue of their water undertaking or out of the district fund.

Applica-
tion of Leek
Order
1920.

60. The following provisions of the Leek Order 1920 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act (namely):—

Article V. (Mode of repayment Formation maintenance and application of sinking fund);

Article VI. (Increase reduction or discontinu- A.D. 1925.
ance of payments to sinking fund
Surplus of sinking fund);

Article VII. (Power to re-borrow);

Article VIII. (Application of borrowed moneys);

Article IX. (Receiver);

Article X. (Return as to provision for repay-
ment of debt);

Article XI. (Inquiries and expenses):

Provided that the said Article XI. shall in its application for the purposes of this Act have effect as if the words "five guineas" were substituted for the words "three guineas" therein.

61. The Council may for a period of five years from the passing of this Act accumulate any surplus from time to time arising in the waterworks account referred to in section 150 (Application of moneys with respect to waterworks) of the Leek Improvement Act 1855 and may apply the same to any purpose of this Act to which the revenue of their water undertaking is properly applicable. As to surplus revenue.

62. If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made good by an increase of the general district rate made within one year after such deficiency has been ascertained or estimated and the Council in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue. As to deficiency of water revenue.

63. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

64. The Council shall not be bound to see to the execution of any trust whether expressed implied or Council not to regard trusts.

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constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Authenti-
cation and
service of
notices &c.

65.—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Confirma-
tion of
byelaws.

66.—(1) The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

(2) The owner of or other person interested in any lands which may be affected by any byelaws made under the section of this Act of which the marginal note is "Byelaws for protection of waters" shall be entitled to be furnished with a copy thereof and to object to the confirmation thereof.

Recovery
of penalties
&c.

67. Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the water undertaking of the Council and all penalties forfeitures costs and expenses imposed or recoverable under such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or

expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1925.
—

68. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the water undertaking of the Council or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

69. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the water undertaking of the Council by reason of his being liable to any rate. Judges &c. not disqualified.

70. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensation &c. how to be determined.

71. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

72. The following provisions of the Leek Improvement Act 1855 are hereby repealed:— Repeal.

Section 56 (As to value of houses when water rate payable by landlord);

Section 57 (For preventing fouling of water);

Section 59 (Power to turn off water and cease to supply in certain cases).

[Ch. civ.]

Leek Urban [15 & 16 GEO. 5.]
District Council Water Act, 1925.

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—
Costs of
Act.

73. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act.

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