



## CHAPTER cxl.

An Act to confirm a Provisional Order of the Local A.D. 1913.  
Government Board relating to Bacup and the District  
of the Bury and District Joint Water Board.

[15th August 1913.]

**W**HEREAS the Local Government Board have made the  
Provisional Order set forth in the schedule hereto under  
the provisions of the Public Health Act 1875 :

38 & 39 Vict.  
c. 55.

And whereas it is requisite that the said Order should be  
confirmed by Parliament :

Be it therefore 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:—

1. The Order set out in the schedule hereto shall be and  
the same is hereby confirmed and all the provisions thereof  
shall have full validity and force.

Order in  
schedule  
confirmed.

2. This Act may be cited as the Local Government Board's  
Provisional Order Confirmation (No. 16) Act 1913.

A.D. 1913.

S C H E D U L E.

BOROUGH OF BACUP  
 AND DISTRICT OF THE  
 BURY AND DISTRICT JOINT WATER BOARD.

*Bacup and  
 Bury and  
 District Joint  
 Water Board  
 Order.*

*Provisional Order for altering certain Local Acts.*

To the Mayor Aldermen and Burgesses of the Borough of  
 Bacup ; —

To the Bury and District Joint Water Board ; —

To the Mayor Aldermen and Burgesses of the Borough of  
 Rawtenstall ; —

And to all others whom it may concern.

16 & 17 Vict.  
 c. lix.  
 57 & 58 Vict.  
 c. lxx.  
 60 & 61 Vict.  
 c. lxx.  
 61 & 62 Vict.  
 c. clvi.  
 6 Edw. 7.  
 c. clxxi.

WHEREAS the Borough of Bacup (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875 and there are in force in the Borough the unrepealed provisions of the Rossendale Waterworks Act 1853 and the Bacup Corporation Water Act 1894 (as altered by the Bacup Order 1897 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1897) and of the Bacup Corporation Water Act 1898 and the Bacup Corporation Act 1906 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts as altered by the Bacup Order 1897 are herein-after together referred to as "the Bacup Local Acts") as altered by certain other Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order ;

And whereas the Corporation have in pursuance of the Act of 1894 acquired the undertaking of the Rossendale Waterworks Company and are by the Act of 1894 authorised to supply water within the limits defined by Section IV. of the Act of 1853 and Section 5 of the Act of 1894 (herein-after referred to as "the Bacup water limits") ;

63 & 64 Vict.  
 c. cxliv.

And whereas under the provisions of the Bury and District Water (Transfer) Act 1900 a Joint Board consisting of the members of the



[3 & 4 GEO. 5.]      *Local Government Board's*      [Ch. cxl.]  
*Provisional Order Confirmation (No. 16) Act, 1913.*

Councils specified in Section 6 of that Act has been incorporated under the name of the Bury and District Joint Water Board (herein-after referred to as "the Water Board") for the purpose of carrying the Act into execution and by that Act and by the Bury and District Joint Water Board Act 1903 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Water Board Acts") certain powers as therein set forth were conferred upon the Water Board for the purposes of the supply of water within the limits defined by Section 4 of the Act of 1900 (herein-after referred to as "the Water Board limits");

A.D. 1913.  
*Bacup and  
 Bury and  
 District Joint  
 Water Board  
 Order.*  
 3 Edw. 7.  
 c. ccxxxiv.

And whereas it is provided by Section 43 of the Act of 1900 that Section 303 of the Public Health Act 1875 shall extend and apply to and may be put in force by the Water Board as if they were a local authority within the meaning of the last-mentioned section and the Local Government Board may make such orders as they are by that section empowered to make on the petition or application of a local authority;

And whereas the Bacup water limits and the Water Board limits respectively comprise parts of the Borough of Rawtenstall and the Agreement (herein-after referred to as "the Scheduled Agreement") set forth in the Schedule to this Order made between the Corporation and the Water Board provides for the alteration of such limits by the transfer from the Bacup water limits to the Water Board limits of parts of the Borough of Rawtenstall which are at present situate within the Bacup water limits and by the transfer from the Water Board limits to the Bacup water limits of another part of the Borough of Rawtenstall which is at present situate within the Water Board limits and for the settlement of other matters arising in connexion with the supply of water by the Corporation and the Water Board respectively;

And whereas the Water Board limits comprise also part of the Borough of Bury and it is proposed that those limits should be further altered by the addition thereto of such parts of that Borough as are not already comprised within those limits;

And whereas the Corporation and the Water Board have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Bacup Local Acts and the Water Board Acts respectively in the manner herein-after set forth:

Now therefore We the Local Government Board in the exercise of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Bacup Local Acts and the Water Board Acts shall be partially

38 & 39 Vict.  
 c. 55.

[Ch. cxl.] *Local Government Board's* [3 & 4 GEO. 5.]  
*Provisional Order Confirmation (No. 16) Act, 1913.*

A.D. 1913.

*Bacup and  
Bury and  
District Joint  
Water Board  
Order.*

*Confirmation  
of Scheduled  
Agreement.*

*Amendment  
of Bacup  
Local Acts.*

repealed and altered so that the following provisions shall have effect that is to say:—

Art. I. The Scheduled Agreement is hereby confirmed and made binding on the Corporation and the Water Board and subject to the provisions of this Order shall be carried into effect accordingly.

Art. II. The Bacup Local Acts shall be further altered as follows that is to say:—

Of the Act of 1853—

Section IV. shall be repealed.

Of the Act of 1894—

Section 5 shall be altered so as to read as follows:—

“ 5. Subject to the provisions of this Act the limits of  
 “ this Act for the supply of water shall comprise and include  
 “ the Borough and so much of the Borough of Rawtenstall  
 “ adjoining the Borough as lies on the south-east of a straight  
 “ line commencing at a point where the boundaries of the  
 “ Boroughs of Bacup and Rawtenstall meet at Bridge End  
 “ Works Waterfoot and running thence in a south-westerly  
 “ direction to the point where the boundary of the Borough  
 “ of Rawtenstall meets the south-easterly corner of a field in  
 “ the Borough of Rawtenstall marked Whitaker Pasture and  
 “ numbered 96 on Lancashire Sheets Numbers LXXII.—14  
 “ and LXXX.—2 of the  $\frac{1}{2500}$  Ordnance Survey of 1891 ”;

Paragraph (1) of Section 39 shall be repealed and paragraphs (2)  
 (3) and (4) of that Section shall have effect so that the words  
 “ the said portion of the borough ” or “ the said portion of  
 the Borough of Rawtenstall ” in those paragraphs shall refer  
 to the portion of the Borough of Rawtenstall described in  
 the immediately preceding paragraph of this Article ; and

Section 41 shall be repealed.

Of the Act of 1898—

Section 41 shall be repealed ;

Section 56 shall have effect as if the following words were  
 omitted therefrom “ section 41 of the Act of 1894 shall be  
 “ read and have effect as if the words ‘ reservoirs catch-  
 “ waters filters ’ were inserted therein before the word  
 “ ‘ pipes ’ ” ; and

Section 57 shall be repealed.

Of the Act of 1906—

Section 6 shall have effect as if the words “ for water supplied  
 within the borough ” were omitted therefrom ; and

Section 93 shall have effect as if the year 1894 were substituted  
 in paragraph (3) for the year 1904.



A.D. 1913.

*Bacup and  
Bury and  
District Joint  
Water Board  
Order.*

Art. III. The Water Board Acts shall be further altered by the substitution for Section 4 of the Act of 1900 of the following provision that is to say:—

*Amendment  
of Bury and  
District  
Water  
(Transfer)  
Act 1900.*

“4. The limits of this Act for the supply of water by  
“ the Board shall after the transfer include the Boroughs of  
“ Bury Rawtenstall and Haslingden the urban districts of  
“ Ramsbottom Radcliffe Whitefield Prestwich Little Lever and  
“ Tottington and the townships parishes or places of Hapton  
“ Dunnockshaw Walmersley-cum-Shuttleworth Outwood and so  
“ much of the parish or place of Unsworth as was formerly  
“ in the township of Pilkington and also so much of the  
“ parish or place of Ainsworth as originally formed part of  
“ the township parish or place of Elton all in the county  
“ palatine of Lancaster except so much of the Borough of  
“ Rawtenstall adjoining the Borough of Bacup as lies on the  
“ south-east of a straight line commencing at a point where  
“ the boundaries of the Boroughs of Bacup and Rawtenstall  
“ meet at Bridge End Works Waterfoot and running thence  
“ in a south-westerly direction to the point where the boundary  
“ of the Borough of Rawtenstall meets the south-easterly corner  
“ of a field in the Borough of Rawtenstall marked Whitaker  
“ Pasture and numbered 96 on Lancashire Sheets Numbers  
“ LXXII—14 and LXXX—2 of the 25<sup>1</sup>/<sub>00</sub> Ordnance Survey of  
“ 1891.”

Art. IV. This Order may be cited as the Bacup and Bury and Short title.  
District Joint Water Board Order 1913.

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The SCHEDULE above referred to.

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AN AGREEMENT made the sixth day of December One thousand nine hundred and eleven BETWEEN the BURY AND DISTRICT JOINT WATER BOARD (herein-after referred to as “the Board”) of the one part and the MAYOR ALDERMEN and BURGESSES of the BOROUGH of BACUP in the County of Lancaster (herein-after referred to as “the Bacup Corporation”) of the other part.

WHEREAS the Board have statutory powers to supply the Borough of Rawtenstall in the said County with water except such parts of the

[Ch. cxl.]                      *Local Government Board's*                      [3 & 4 GEO. 5.]  
*Provisional Order Confirmation (No. 16) Act, 1913.*

A.D. 1913.  
*Bacup and  
Bury and  
District Joint  
Water Board  
Order.*

said Borough of Rawtenstall as are coloured purple and red on the plan hereunto annexed which are in the statutory area of supply of the Bacup Corporation ;

And whereas the Board and their predecessors in title have supplied with water the said parts of the said Borough of Rawtenstall which are within the statutory area of supply of the Bacup Corporation for upwards of forty years and the Bacup Corporation have now requested the Board to cease such supply ;

And whereas the Board contend that they have acquired a right to supply that part of the said Borough of Rawtenstall which is within the statutory area of supply of the Bacup Corporation but the Bacup Corporation do not admit that any such right has been acquired by the Board ;

And whereas with a view to settling the matter in dispute it has been agreed to enter into this Agreement :

Now it is hereby agreed as follows :—

1. The limits of supply of the Board shall be extended so as to include those parts of the said Borough of Rawtenstall which are at the present time situate within the statutory area of supply of the Bacup Corporation and are coloured purple and red on the said plan and the said portions of the said Borough of Rawtenstall shall be excluded from the limits of supply of the Bacup Corporation without opposition from the Bacup Corporation.

2. The limits of supply of the Bacup Corporation shall be extended so as to include that part of the said Borough of Rawtenstall which is at the present time situate within the statutory area of supply of the Board and is coloured brown on the said plan and the said last-mentioned part of the said Borough of Rawtenstall shall be excluded from the limits of the Board's supply without opposition from the Board.

3. Until statutory powers have been obtained for the purposes mentioned in Clauses 1 and 2 of this Agreement no objection shall be taken by the Bacup Corporation to the Board supplying water to the said parts of the said Borough of Rawtenstall coloured purple and red on the said plan nor shall the Board object to the Bacup Corporation supplying water to the said part of the said Borough of Rawtenstall coloured brown on the said plan and the Bacup Corporation shall not supply water within any part of the said Borough of Rawtenstall (except the area coloured brown on the said plan) without the previous consent in writing of the Board and the Board shall not supply water within the said Borough of Bacup or that part of the said Borough



of Rawtenstall coloured brown without the like consent of the Bacup Corporation. A.D. 1913.

*Bacup and  
Bury and  
District Joint  
Water Board  
Order.*

4. The Bacup Corporation shall disconnect so much of the eight inch main which has been laid by them in the said Borough of Rawtenstall as was intended for the supply of the district coloured purple and red on the said plan and shall hand the same over to the Board free of cost.

5. The Board shall on the execution of this Agreement by the said parties hereto discontinue the supply of water within the portion of the said Borough of Bacup which they are at the present time supplying and which is coloured green on the said plan and the Board shall thereupon disconnect and hand over to the Bacup Corporation all mains now used for supplying water within the said part of the said Borough of Bacup coloured green.

6. One-third part or share of the gross revenue which shall from and after the Twenty-fourth day of June One thousand nine hundred and eleven be derived by the Board within the said part of the said Borough of Rawtenstall coloured red on the said plan shall be paid half-yearly by the Board to the Bacup Corporation within a period of fourteen days from such revenue being ascertained until such time as the capacity of the reservoirs at present belonging to the Bacup Corporation shall be sufficient only for the supply to the said Borough of Bacup and the said payment shall be made whether parliamentary sanction to Clause 1 of this Agreement is given or not. Any difference arising between the Board and the Bacup Corporation with reference to this Clause shall be referred to arbitration pursuant to the provisions of the Arbitration Act 1889 or of any Act or Acts amending the same.

7. The Board shall include in any Bill which they may promote in Parliament powers to give effect to Clauses 1 and 6 and so much of Clause 2 of this Agreement as relates to the curtailment of the Board's area of supply and to such other part of this Agreement as affects the Board.

8. The Bacup Corporation shall include in any Bill which they may promote in Parliament powers to give effect to Clause 2 of this Agreement to extend their water supply area so as to include the said part of the said Borough of Rawtenstall coloured brown on the said plan and so much of Clause 1 as relates to the curtailment of the Bacup Corporation's area of supply and to such other part of this Agreement as affects the Bacup Corporation.

9. The Board and the Bacup Corporation shall both use their best endeavours to procure the consent and approval of the Mayor

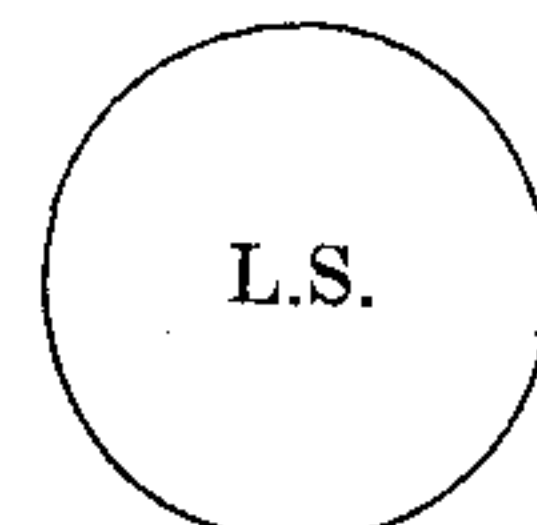
[Ch. cxl.]      *Local Government Board's*      [3 & 4 GEO. 5.]  
*Provisional Order Confirmation (No. 16) Act, 1913.*

A.D. 1913. Aldermen and Burgesses of the Borough of Rawtenstall to this Agreement.

*Bacup and  
Bury and  
District Joint  
Water Board  
Order.*

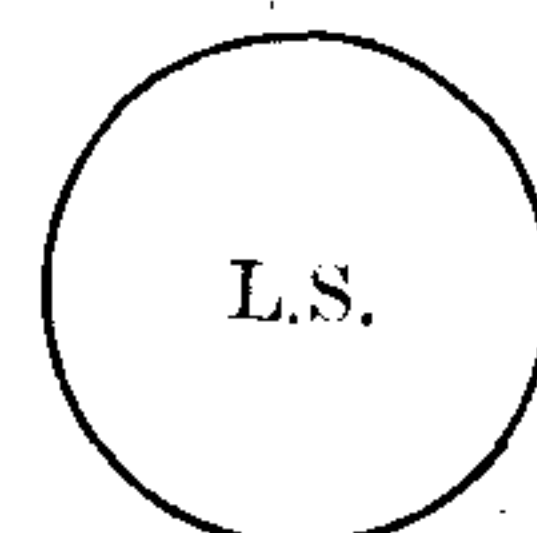
In witness whereof the said parties hereto have caused their respective common seals to be hereunto affixed the day and year first before written.

The Common Seal of the Bury and District Joint  
Water Board was hereunto affixed by the Chair-  
man in the presence of



JOHN HASLAM  
Clerk to the Board.

The Common Seal of the Mayor Aldermen and Bur-  
gesses of the Borough of Bacup was hereunto  
duly affixed in the presence of



J. CRAVEN HOYLE  
Mayor.

J. ENTWISTLE  
Town Clerk.

Given under the Seal of Office of the Local Government Board  
this Seventeenth day of May One thousand nine hundred and  
thirteen.

(L.S.)

JOHN BURNS President.  
F. J. WILLIS Assistant Secretary.

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