



CHAPTER lxxv.

An Act to authorise the urban district council of A.D. 1915.
Barnoldswick to construct new waterworks and to
acquire additional lands to confer further powers on
the Council in regard to their water undertaking and
for other purposes. [29th July 1915.]

WHEREAS the district of Barnoldswick in the west riding
of the county of York (in this Act referred to as "the
district") is an urban district within the meaning of the Local
Government Act 1894 and is under the management and control
of the urban district council of Barnoldswick (in this Act
referred to as "the Council"):

And whereas the Council under the powers of the Public
Health Acts have established waterworks and are now supplying
the district with water but such supply is inadequate to meet
the existing and growing demands of the inhabitants of the
district and it is expedient that the Council be empowered to
construct new works for the purpose of increasing their existing
supply:

And whereas it is expedient that the parish of Coates in
the rural district of Skipton in the said county in portions of
which parish the Council are now supplying water should be
included within the limits of supply of the Council:

And whereas it is expedient that such further provisions as
are in this Act contained should be made with respect to the
water undertaking of the Council:

And whereas it is expedient that the Council should be
empowered to borrow money for the construction of the water-
works by this Act authorised and for the other purposes of
this Act:

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And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned in respect of which borrowing powers are conferred upon the Council by this Act and such estimates are as follows:—

For the purchase of ~~lands and~~ easements for
and the construction of ~~the~~ waterworks by
this Act authorised - - - - - £99,155

For new mains extensions of mains service
pipes and other waterworks purposes - - - - - £3,000

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

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the **Borough Funds Acts 1872 and 1908** have been observed and the consent of the **Local Government Board** has been obtained:

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 or reputed owners and lessees or reputed lessees and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act 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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the **Barnoldswick Urban District Council Water Act 1915.**

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

- Part I.—Preliminary.
- Part II.—Waterworks.
- Part III.—Lands.
- Part IV.—Supply of water.
- Part V.—Financial.
- Part VI.—Miscellaneous.

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Division of
Act into
Parts.

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

Incorpora-
tion of Acts.

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

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) 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 Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts; and

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the reservoirs road diversion and so much of the aqueducts conduits or lines of pipes as will not be constructed in a highway and the works immediately connected therewith by this Act authorised and “the centre of the railway” means the boundaries of the reservoirs and road diversion and the centres of so much of the said aqueducts conduits or lines of pipes as aforesaid.

4. In this Act 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

Interpreta-
tion.

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A.D. 1915. — respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires—

“The district” means the urban district of Barnoldswick in the west riding of the county of York;

“The Council” means the urban district council of the district;

56 & 57 Vict.
c. clvii.

“The Act of 1893” means the Barnoldswick Local Board Gas Act 1893;

“Drainage area” means any area or areas within or through which the waters which the Council are authorised to impound or take arise or flow;

“The limits of supply” means the area within which the Council are for the time being authorised to supply water;

“The water undertaking” means the water undertaking of the Council as existing and as authorised by this Act;

“The water revenue” means and includes all moneys received by the Council for or in relation to their water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The clerk” and “the surveyor” mean respectively the clerk and the surveyor of the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing 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 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 ;

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“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

PART II.

WATERWORKS.

5. Subject to the provisions of this Act the Council may wholly in the west riding of the county of York 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) :—

Power to
make works.

Work No. 1 A reservoir (to be called and in this Act referred to as “the Elslack Reservoir”) wholly situated in the hamlet or parish of Elslack to be formed by means of a dam or embankment 25 chains in length crossing Elslack Beck at a point thereon 15·5 chains or thereabouts measured in a southerly direction from the southernmost corner of the house known as Stories House such dam or embankment commencing at a point 6·7 chains or thereabouts measured in a north-easterly direction from the southernmost point of the enclosure numbered 180 on the $\frac{1}{2500}$ Ordnance map Yorkshire (West Riding) Sheet CLXVII. 15 (edition of 1909) and

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proceeding thence in a westerly direction for a distance of 15·6 chains and thence in a southerly direction for a distance of 9·4 chains and terminating in the enclosure numbered 206 on the said map at a point 2 chains or thereabouts measured in an easterly direction from the north-west corner of the said enclosure and the reservoir will extend from the said dam or embankment up the Elslack Beck to a point thereon 17 chains or thereabouts from the centre line of the dam or embankment measured in a south-easterly direction along the course of the beck and up the Elslack Moor Beck for a distance of 5 chains or thereabouts measured along the course of the beck from its confluence with the Elslack Beck:

Work No. 2 An aqueduct (to be called Aqueduct No. 1) consisting of one or more conduits or lines of pipes commencing in the said hamlet or parish of Elslack in the intended Elslack Reservoir at a point in Elslack Beck 20 chains or thereabouts measured in a southerly direction from the southernmost corner of Stories House and terminating in the district in the intended service reservoir (Work No. 5) at a point 17 chains or thereabouts measured in a westerly direction from the centre of the bridge over the Barnoldswick branch of the Midland Railway carrying the occupation road from Barnoldswick Park or Lower Park to Cockshott Bridge over the Leeds and Liverpool Canal:

Work No. 3 A catchwater conduit wholly situated in the said hamlet or parish of Elslack commencing in enclosure or field numbered 207 on the $\frac{1}{2500}$ Ordnance map Yorkshire (West Riding) Sheet CLXVII. 15 (edition of 1909) at a point 19 chains or thereabouts measured in a westerly direction from the north-western corner of Aldersley Moor House and terminating in the intended Elslack Reservoir at a point 12 chains or thereabouts measured in a north-westerly direction from the said corner of Aldersley Moor House:

Work No. 4 A road diversion wholly situated in the said hamlet or parish of Elslack commencing in a road leading from Stories House aforesaid to Elslack Moor at a point 10·3 chains or thereabouts measured in a southerly

direction from the southernmost corner of Stories House and terminating in the road from Aldersley Moor House to Cooper House at a point 1 chain or thereabouts measured in a south-easterly direction from the south-eastern corner of Aldersley Moor House : A.D. 1915.

Work No. 5 A service reservoir (to be called Park Hill Reservoir) to be situated wholly in the district in or on land forming part of the enclosure or field numbered 38 on the $\frac{1}{2500}$ Ordnance map Yorkshire (West Riding) Sheet CLXXXIII. 4 (edition of 1909) the centre being at a point 17·3 chains or thereabouts measured in a straight line in a westerly direction from the centre of the bridge over the Barnoldswick branch of the Midland Railway carrying the occupation road from Barnoldswick Park to Cockshott Bridge :

Work No. 6 An aqueduct (to be called Aqueduct No. 2) consisting of one or more conduits or lines of pipes situated wholly in the district commencing in the intended Park Hill Reservoir at a point 18 chains or thereabouts measured in a straight line in a westerly direction from the centre of the bridge over the Barnoldswick branch of the Midland Railway carrying the occupation road from Barnoldswick Park to Cockshott Bridge and terminating at the intersection of Park Road and Park Avenue.

In addition to the foregoing works the Council may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them or for obtaining raising filtering storing and distributing water or for the general purposes of the water undertaking 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.

6. 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

Limits of deviation.

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A.D. 1915. — where on any road no such limits are shown the boundaries of such 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 in the case of the Elslack Reservoir three feet upwards and to any extent downwards and in the case of the other works ten feet upwards and to any extent downwards Provided as follows (that is to say):—

The Council shall not construct any dam of the Elslack Reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding dam and three feet in addition :

Except for the purposes of crossing over a stream canal or railway no part of the aqueducts conduits or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

7. If the works by this Act authorised are not completed within ten years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided always that subject to the restrictions and provisions of this Act the Council may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Power to take waters.

8. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks the waters of the Elslack Beck the Elslack Moor Beck and the Acre Gill Beck and all tributaries of those streams or becks and all such springs streams and waters as may be intercepted by the works by this Act authorised.

As to compensation water.

9.—(1) Until the date of the completion of the Elslack Reservoir or the date of the expiration of a period of ten years from the passing of this Act whichever of such dates is the earlier the Council may take from the Elslack Beck any water they may require subject to the following restrictions:—

(A) They shall place a weir and measuring gauge across the Elslack Beck at or as near as may be below the

point of abstraction over or through which forty thousand gallons of water shall be allowed to pass and flow down the said beck every day of twenty-four hours without interruption by the Council:

- (B) On any such day during such time as the flow of water in the said beck shall be less than at the rate of forty 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 subject as hereinafter provided take all or such part of the excess as they may require:

Provided that on any day of twenty-four hours on which the water flowing down the said beck immediately below the point of abstraction of water therefrom by the Council shall be less than one hundred and eighty-two thousand gallons the Council shall not be entitled to abstract any water therefrom except to such extent (if any) as may be required in addition to the quantity of water obtainable by pumping to the fullest extent at their existing wells and boreholes to afford the quantity of water for the time being required by the Council for supply whether within or beyond the limits of supply:

- (c) The Council shall place and maintain across the Elslack Beck at the point of abstraction all such weirs and measuring gauges and shall keep all such records as shall be necessary for the purposes of paragraph (B) of this subsection.

(2) After the Elslack Reservoir is completed the following provisions shall apply:—

- (A) The Council shall during every day of twenty-four hours discharge or deliver into the Elslack Beck at a point therein situate not more than two hundred and fifty yards below the foot of the dam or embankment of the Elslack Reservoir not less than one hundred and seventy-two thousand gallons of water in a continuous flow and into the Acre Gill Beck at a point therein not more than fifty feet below the point of commencement of the catchwater conduit

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(Work No. 3) by this Act authorised not less than ten thousand gallons of water in a continuous flow:

(B) For the purpose of measuring the quantity of water to be so discharged or delivered into the Elslack Beck and the Acre Gill Beck the Council shall erect and maintain at a point on the Elslack Beck below the reservoir not more than two hundred and fifty yards from the foot of the dam or embankment thereof and at a point on the Acre Gill Beck below the catchwater conduit (Work No. 3) not more than fifty feet from the point of commencement of the said catchwater conduit proper and suitable measuring gauges over or through which the said compensation water shall flow.

(3) The weirs measuring gauges and records referred to in this section shall be open to the inspection and examination of the West Riding of Yorkshire Rivers Board the Board of Conservators of the Yorkshire Fishery District and of all persons interested therein and the said Rivers Board shall be entitled to take copies of or extracts from the said records and at all reasonable times before the completion of the Elslack Reservoir or the expiration of a period of ten years from the passing of this Act whichever is the earlier to inspect and examine the said existing wells and boreholes and the pumping machinery apparatus and works of the Council installed thereat.

(4) In case of any neglect on the part of the Council to maintain any weir or gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow or in case the Council draw water from the Elslack Beck in breach of the provisions of subsection (1) of this section the Council shall for every day on which such neglect or breach occurs forfeit and pay to each of the persons affected thereby including the West Riding of Yorkshire Rivers Board and the Board of Conservators of the Yorkshire Fishery District (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 the West Riding of Yorkshire Rivers Board or the Board of Conservators of the Yorkshire Fishery District or any person

so interested with respect to the provision of weirs or measuring gauges or the construction or use of any such weir or gauge or the state of repair or condition thereof or with respect to the records to be kept as aforesaid 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 Board of Trade. A.D. 1915.

(6) After the completion of the Elslack Reservoir the provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters of the Elslack Beck the Elslack Moor Beck and the Acre Gill Beck and all tributaries of those streams and becks which the Council can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the Elslack Beck and between the point of commencement of the catchwater conduit (Work No. 3) by this Act authorised and the said point of discharge of water into the Acre Gill Beck.

10.—(1) So soon as the road diversion (Work No. 4) authorised by this Act has been completed to the satisfaction of the road authority and is open for public use or in case of difference between the Council and the road authority so soon as two justices shall have certified that the said road diversion has been completed to their satisfaction and is open for public use the Council may stop up and discontinue as a public highway so much of the existing road in the parish of Elslack leading from the house known as Stories House to Elslack Moor as lies between the points of commencement and termination of the road diversion (Work No. 4) by this Act authorised and they may also stop up and discontinue as public highways any roads or footpaths situate upon any part of the lands acquired by the Council for the purposes of the Elslack Reservoir. Stopping up
of road &c.

(2) Before applying to the justices for their certificate the Council shall give to the road authority seven days' notice in writing of their intention to apply for the same.

(3) As from the completion of the new road to the satisfaction of the road authority or as from the date of the said certificate as the case may be all rights of way over or along the said portion of the existing road shall be extinguished

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A.D. 1915. and the Council may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purposes of their undertaking the sites of the portion of road and footpaths stopped up so far as the same are bounded on both sides by lands of the Council.

(4) Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(5) The said road diversion shall when completed be repaired and maintained by and at the expense of the parties on whom the expense of maintaining the adjoining portion of the said existing road now devolves.

Application
of Water-
works
Clauses Act
1847 to
pipes tele-
phones &c.

11. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to lay down or erect for the purposes of their water undertaking.

For pro-
tection of
Postmaster-
General.

12. No telephone or telegraph posts wires conductors or other apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Temporary
discharge
of water
into streams.

13.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining the aqueducts reservoirs and other waterworks of the Council the Council may cause the water in such works or any of them to be temporarily discharged into any available stream or watercourse Provided that no water shall be discharged in such a manner as to injure or interfere with any fish or spawn or spawning beds.

(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 the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

14. For the protection of the West Riding of Yorkshire Rivers Board (in this section referred to as "the Rivers Board") the following provisions shall apply and have effect (that is to say) :—

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For protec-
tion of West
Riding of
Yorkshire
Rivers
Board.

(1) Notwithstanding anything contained in this Act the Council shall not without the leave of the Local Government Board continue to take water from the Elslack Beck after the expiration of six years from the passing of this Act unless they shall have then substantially commenced the construction of the Elslack Reservoir :

(2) If the Council at any time make application to the Local Government Board for such leave as is referred to in subsection (1) of this section they shall at the same time give to the Rivers Board notice in writing of such application and the Local Government Board shall not give such leave until after they have considered any representations on the matter which the Rivers Board may submit to the Local Government Board within a reasonable time after the receipt of such notice :

(3) Any water discharged by the Council in exercise of the powers of the section of this Act of which the marginal note is "Temporary discharge of water into streams" shall be as free as may be reasonably practicable from mud or solid or offensive matter.

15. The Council may on all or any of the lands for the time being held by them in connection with their water undertaking execute for the purposes of or in connection with the said undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Council shall not under the powers of this section 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 in connection with the water undertaking.

As to
exercise of
powers of
section 12 of
Waterworks
Clauses Act
1847.

16. The Council shall not construct any works for taking or intercepting water from any lands acquired by them in connection with the water undertaking unless the works are authorised

Limiting
powers of
Council to
abstract
water.

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A.D. 1915. by this or some other Act of Parliament and the lands on which the same are to be constructed are specified in this or some other Act of Parliament Provided that nothing in this section shall be deemed to prohibit the deepening or enlargement of any existing borehole or well of the Council.

Application of provisions of Public Health Acts as to laying of water mains.

17. For the purpose of supplying water within the limits of supply the Council shall within such limits have the powers of a local authority under section 54 of the Public Health Act 1875 in respect of the carrying of water mains within and without their district and for the purposes of that section the limits of supply shall be deemed to be included in the district of the Council:

Provided that such powers shall not be exercised in any street in the rural district of Skipton except under and in accordance with the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to lay pipes in streets not dedicated to public use.

18. The Council may on the application of the owner or occupier of any premises within the limits of supply 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.

Supply in bulk to Earby Urban District Council.

19.—(1) If at any time within two years after the passing of this Act the Earby Urban District Council (in this section referred to as "the Earby Council") shall by notice in writing to the Council require a supply of water in bulk for their district or any part thereof under this subsection the Council shall at such date as may be specified in such notice or at the date upon which the Council begin to supply within the limits of supply water obtained from the Elslack Beck (whichever is the later) commence and shall thereafter during the period until the date of the completion of the Elslack Reservoir or the expiration of ten years from the passing of this Act (whichever is the earlier) continue to supply to the Earby Council and the Earby Council shall during that period accept and take such quantity of water from the Elslack Beck as may be demanded in such notice subject to a minimum quantity to be agreed or failing agreement to be settled by arbitration under this section Provided that the Council shall not at any time be bound to

afford the said supply if and so far as the quantity of water available from the said beck and from pumping at their existing wells and boreholes would thereby be rendered insufficient to supply a quantity equivalent to twenty gallons per day per head of the population for the time being within the limits of supply and to afford any supply in the parish of Elslack which the Council may either before or after the passing of this Act have agreed to give. A.D. 1915.

(2) If at any time within five years after the passing of this Act or within six months after having received notice in writing from the Council of their intention to commence the construction of the Elslack Reservoir (whichever shall be the later) the Earby Council shall by notice in writing to the Council require a supply of water in bulk for their district or any part thereof under this subsection the Council shall within such reasonable time after the completion of the Elslack Reservoir as may be specified in such notice commence and shall thereafter continue to supply to the Earby Council and the Earby Council shall accept and take a supply of water from the Elslack Reservoir for such period and subject to such minimum and maximum quantity per day as may be agreed upon or failing agreement settled by arbitration under this section. Provided that the Council shall not at any time be bound to afford the said supply if and so far as the quantity of water available from the said reservoir and from pumping at their existing wells and boreholes would thereby be rendered insufficient to meet the needs of the limits of supply and to afford any supply in the parish of Elslack which the Council may either before or after the passing of this Act have agreed to give.

(3) One year before the expiration of five years and ten years respectively from the commencement of any supply under subsection (2) of this section the Earby Council may give notice in writing to the Council requiring an additional supply of water in bulk for their district or any part thereof and in the event of such a notice being given the Council shall from the expiration of such notice supply and the Earby Council shall accept and take an additional supply of water from the Elslack Reservoir for such period and subject to such minimum and maximum quantity per day as may be agreed upon or failing agreement settled by arbitration under this section. Provided that the Council shall not at any time be bound to afford such additional

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A.D. 1915. supply if and so far as the quantity of water available from the said reservoir and from pumping at their existing wells and boreholes would thereby be rendered insufficient to meet the needs of the limits of supply and to afford any supply in the parish of Elslack and any other supply which the Council may before the receipt of such notice have come under obligation to give.

(4) The Earby Council shall not undertake the distribution of any water supplied under this section in any part of the urban district of Earby in which any company or person (other than the Earby Council) is for the time being affording a proper and sufficient supply of water for all reasonable purposes for which it is required and if any question arises as to whether any such supply is proper and sufficient the same shall be determined by the Local Government Board.

(5) The Earby Council shall not without the consent of the Council supply water furnished to them under this section outside their district.

(6) Any supply under this section shall be taken at a uniform rate per diem and in a uniform and continuous flow throughout every day at such point or points on the aqueduct (Work No. 2) by this Act authorised and in each case at such price and (subject to the provisions of this section) on such terms and conditions as may be agreed between the Earby Council and the Council or as failing such agreement may be determined by arbitration under this section.

(7) All water so taken shall be filtered and shall be delivered into a service reservoir to be provided (together with any mains or pipes between the meter hereinafter mentioned and the service reservoir) by the Earby Council and shall be measured by a meter of such description as may be agreed upon between the Council and the Earby Council or as may in default of agreement be determined by arbitration and such meter shall be placed in a suitable chamber as near as practicable to the said aqueduct and such meter and chamber and all pipes valves and other apparatus connecting the meter with the said aqueduct shall be provided fixed and maintained and whenever necessary repaired or renewed by the Council who shall at all times keep the said meter in proper condition and working order. The Earby Council shall pay to the Council the cost of providing and fixing the said meter including the said chamber and any

subsidiary apparatus and shall also repay to the Council the reasonable cost of maintaining repairing and renewing the said meter chamber and apparatus The Earby Council shall at all reasonable times be at liberty after giving twenty-four hours' notice to the Council to inspect such meter and the works appertaining thereto and to test the accuracy thereof. A.D. 1915.

(8) The Council shall not be liable for any damage loss or expenses caused by any failure in the supply of water to the Earby Council if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Council or during any time when the works of the Council shall be undergoing repairs or cleansing but no payment in respect of water under this section shall be demanded by the Council during the period whilst such supply is suspended.

(9) All payments for the water supplied shall be made quarterly on the first day of January the first day of April the first day of July and the first day of October in every year.

(10) Any matter by this section referred to arbitration and any difference between the Council and the Earby Council under this section shall unless otherwise in this section provided be settled by an arbitrator to be appointed by agreement between the parties or in default of agreement by the Local Government Board upon the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

20.—(1) All water supplied by the Council under this Act whether in bulk or otherwise and used for dietetic purposes shall before delivery be efficiently and continuously filtered through such material or shall be chemically treated so as to prevent the action of such water on lead or on any material used for the construction of pipes cisterns or other receptacles into the manufacture of which lead enters in a manner injurious or liable to prove injurious to public health. For prevention of plumbism.

(2) The Council shall forthwith construct and thenceforward maintain the necessary apparatus and appliances to prevent such action.

(3) If the Council shall fail to construct such apparatus or appliances or apply such treatment as shall efficiently prevent such action or shall fail thenceforward efficiently to maintain the same or shall at any time supply water in such a condition

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A.D. 1915. as to be capable of such action they shall be liable to a penalty not exceeding ten pounds for every day on or on any part of which any infringement of this section shall occur and such penalty shall be recoverable summarily at the instance of the county council of the west riding of Yorkshire (hereinafter referred to as "the county council").

(4) For the better enforcement of the provisions of this section any person duly authorised by the county council may at any time enter on the property of the Council for the purpose of inspecting the apparatus and appliances and materials used for filtering or treating the water as the case may be and may take samples of the water in duplicate and shall thereupon before he carries away the same from the property of the Council seal up and mark such samples and shall leave one of such samples with the person (if any) in charge of the property and any person who molests hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence.

For protec-
tion of Mid-
land Railway
Company.

21. In executing Work No. 2 authorised by this Act where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter referred to as "the Midland Company") the Council shall (except so far as it may be otherwise agreed between the Midland Company and the Council) be subject to the following conditions:—

(1) All such works shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Council of his objections thereto he shall be deemed to have approved thereof:

(2) If within twenty-eight days after the receipt of any such plans and drawings the Midland Company give to the Council notice that they themselves desire to

execute any part of the work (other than the actual laying down of the mains which shall be done by the Council) which will cross over or under any railway or work belonging to them the Midland Company may themselves execute such part of the work and recover the reasonable costs thereof from the Council: A.D. 1915.

- (3) The Council shall take all possible precautions in the execution and maintenance of Work No. 2 to prevent any interference with the free uninterrupted and safe user in the ordinary manner and at the ordinary rate of speed of traffic over the said railways and if in consequence of the execution or failure of such works any injury be done to the said railways works and property or any interruption be caused to the traffic over the railways the Council shall make compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:
- (4) The Council shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the execution of the work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution of any such work of the Council and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors:
- (5) The Council shall acquire only such easements from the Midland Company as may be necessary for constructing and maintaining Work No. 2 by this Act authorised and shall pay to the Midland Company for any such easements to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845:

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(6) Any dispute or difference which may arise between the Midland Company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Council and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For further protection of Midland Railway Company.

22. Any mains or pipes which under the powers of the section of this Act whereof the marginal note is "Power to lay pipes in streets not dedicated to public use" the Council may lay down under or over or which may affect any railway works or roadway belonging to the Midland Railway Company (in this section referred to as "the Midland Company") shall be laid down and executed and subsequently maintained by the Council under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the Midland Company and in accordance with plans and sections previously submitted to and approved by him and the Council shall make the Midland Company compensation for all damage sustained by them by reason of the exercise of the powers of this section.

If any difference shall arise between the Council and the Midland Company under this section such difference shall be settled by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either party.

For protection of Leeds and Liverpool Canal Company.

23. For the protection of the Leeds and Liverpool Canal Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council have effect (that is to say) :—

(1) The aqueduct (Work No. 2) authorised by this Act shall be carried over the canal and towing-path of the company at the side of and not less than four feet clear of Cockshott Bridge within the district with one full span over the canal and towing-path of the company and with a clear headway of not less than

eleven feet and six inches between the top water level of the said canal and the underside of the said aqueduct and in other respects the works so far as they affect the said canal and towing-path shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and in accordance with plans sections and specifications (showing fully the mode of construction and the materials to be used) to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if such engineer shall not have expressed his approval or disapproval of the said plans sections and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

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- (2) The Council shall not otherwise than by agreement purchase or take any land of the company or acquire any rights therein under the powers of this Act except only such easements as may be required for the construction and maintenance of the said aqueduct in accordance with this section:
- (3) The Council shall at their own expense maintain the said aqueduct and the works in connection therewith so far as they affect the said towing-path and canal in good repair at all times to the reasonable satisfaction of the engineer of the company and with the span and headway hereinbefore provided unless they abandon the said aqueduct or the portion thereof which passes over the canal and towing-path of the company and in that case they shall (if required so to do by the company but not otherwise) remove to the reasonable satisfaction of the engineer of the company the said aqueduct and other works at their own expense and make good any injury caused thereby to the canal towing-path and property of the company:
- (4) The Council shall make good all damage that may be occasioned to the works or property of the company by the construction renewal repair or want of repair

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of the said aqueduct and works but in case of pressing necessity and in every other case if for seven days after notice in writing thereof given to the Council by the company the Council neglect to proceed with due diligence to make good such damage the company may if they think fit make good the damage and the reasonable expenses incurred by them in so doing shall be repaid to them by the Council:

- (5) The Council shall take all reasonable precautions in the execution and maintenance of Work No. 2 to prevent any interference with the free uninterrupted and safe user in the ordinary manner of the said canal and towing-path and if in consequence of the execution or failure of such works any interruption be caused to the traffic over and along the said canal and towing-path the Council shall make compensation to the company in respect of such interruption and the amount of such compensation unless agreed upon shall be determined by arbitration under this section:
- (6) Nothing in this section contained shall prevent any owner of boats or barges from recovering from the Council any special damage that may be sustained by him in consequence of such interruption nor prevent the company from recovering from the Council any special damage that may be sustained by them in consequence of the works to be executed by the Council or by reason of any act or omission of the Council:
- (7) Nothing in this Act contained shall interfere with the right of the company at any time to alter reconstruct or improve the said canal towing-path or bridge in the same manner as they might have altered reconstructed or improved the same if this Act had not passed and such aqueduct had not been carried over the said canal and towing-path and in the event of the said canal towing-path or bridge being altered reconstructed or improved as aforesaid the Council shall at their own cost in all things make such reasonable alterations as may be necessary in the

position of any works by means of which such aqueduct is carried over the said canal and towing-path Provided that during the alteration reconstruction or improvement of the said canal towing-path or bridge as aforesaid the company shall afford all reasonable facilities for temporarily carrying the said aqueduct across the said canal and towing-path so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the said aqueduct :

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- (8) Any dispute or difference which may arise between the Council and the company or their engineer with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be determined by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade upon the application of the Council or the company and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

- (A) Such huts or buildings for the accommodation of the workmen employed in or 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.

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(3) The medical officer of health of the county council of the west riding of Yorkshire (in this section called "the county council") and the medical officer of health and inspector of nuisances of the rural district council of Skipton shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

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

(5) If at any time it appears to the 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 Local Government Board on the application of either of the parties to the difference and the Local Government Board may make such requirements (if any) in variation of the requirements of the county council as they 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 expense 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 Local Government Board any expenses incurred by that Board 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. A.D. 1915.

PART III.

LANDS.

25. Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to acquire lands.

26. The powers of the Council for the compulsory purchase of lands or easements under this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

27. If there be any omission misstatement 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 lands in question may apply to two justices acting for the west riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerks of the councils of the districts or parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of the councils 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.

28. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal to whom any such question is referred Provisions as to compensation.

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A.D. 1915. shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the twentieth day of November one thousand nine hundred and fourteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration in certain cases.

29.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

Council may acquire easements only in certain cases.

30.—(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.

A.D. 1915.

(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 always 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 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.

31. 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 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.

Persons under disability may grant easements &c.

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

As to private rights of way over lands taken compulsorily.

33. Subject to the provisions of this Act the Council in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease

Power to purchase additional lands by agreement.

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Water Act, 1915.

A.D. 1915. or otherwise acquire and hold for the purposes of their water undertaking any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Council may deem necessary for their purposes but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands purchased or taken on lease under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with the water undertaking.

Power to purchase and hold lands and exercise powers for protection of waters and water-works.

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

(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 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 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.

Power to retain sell &c. lands.

35. Notwithstanding anything in the Lands Clauses Acts or 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 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 exchange or dispose of any rents reserved on the sale lease exchange or other disposition of such lands or interest 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.

A.D. 1915.
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36. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised 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 by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Power to agree as to drainage of lands &c.

37. The Council on selling any lands acquired by them in connection with their water undertaking and not required for the purpose 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 the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights &c. on sale.

38. 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 resale or exchange or by leasing in pursuance of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied and any other moneys received on capital account under this Act the Council shall apply the same in or towards the extinguishment of any

Application of moneys arising from sale of land.

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A.D. 1915. loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(1) 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 for the purpose of such purchase:

(2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

PART IV.

SUPPLY OF WATER.

Water limits.

39. The limits of this Act for the supply of water shall be the district of the Council and the parish of Coates in the rural district of Skipton in the west riding of the county of York.

Act to extend to existing undertaking.

40. The provisions of this Act with regard to water shall to the exclusion of the provisions of the Public Health Acts relating to water apply to the existing waterworks and water undertaking of the Council which shall for all purposes be deemed to form part of the water undertaking of the Council under this Act.

Limit of pressure.

41. The water supplied by the Council need not at any time be delivered at a pressure greater than that which can be afforded by gravitation from the service reservoir or tank from which the supply is given.

Rates at which water is to be supplied for domestic purposes.

42.—(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of 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 rates not exceeding the rates per annum hereinafter specified (that is to say):—

(A) Within the district—

Where the rateable value of the premises so supplied does not exceed four pounds the sum of thirteen shillings ;

Where such rateable value exceeds four pounds and does not exceed eight pounds the sum of seventeen shillings and fourpence ;

Where such rateable value exceeds eight pounds and does not exceed twenty pounds at the rate of twelve pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds twenty pounds at the rate of ten pounds per centum per annum upon such rateable value :

(B) Beyond the district—

Rates one-eighth higher than those for the time being taken within the district.

(2) The rateable valuable of any such dwelling-house or part of a dwelling-house 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 dwelling-house entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

(3) Nothing in this section shall entitle the Council in any case to demand for the water rate for any house or part of a house included in any division of the scale in subsection (1) of this section a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

(4) 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 a sum not exceeding five shillings per annum and for every fixed

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A.D. 1915. bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Agreements as to supply of water in certain cases.

43. The Council may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Council to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Supply of water for other than domestic purposes and by measure.

44. 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 measure 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 throughout the limits of supply.

Supply of water by hose pipe for washing carriages &c.

45. When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in premises where carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum within the district and twenty-two shillings and sixpence beyond the district as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Supply to houses partly used for trade &c.

46.—(1) The Council shall not be bound to supply with water otherwise than by measure 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.

(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

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for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof. A.D. 1915.

47. The price to be charged for a supply of water by measure shall not exceed two shillings per one thousand gallons within the district and two shillings and threepence per one thousand gallons beyond the district. Provided that the Council shall be entitled to charge for each such supply such minimum sum not exceeding five shillings as they may prescribe in respect of the water supplied in any quarter of a year. Price of supply by measure.

48. 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.

49. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council. Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

50.—(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. Byelaws for preventing waste &c. of water.

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(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.

As to communication pipes.

51.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus 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 and for that purpose to open or break up any street in the limits of supply 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.

Power to Council to repair communication pipes.

52. If by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused 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 the expense incurred by the Council in executing such repairs shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier. 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 owner of such house or premises not less than twenty-four hours' notice of their intention so to enter. A.D. 1915.

53. 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 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 surveyor or other officer duly authorised in that behalf by the Council. Maintenance of common pipe.

54. 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. Council not bound to supply several houses by one pipe.

55. 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. Notice of discontinuance.

56. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

57. 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 an 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.

58.—(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 do all work necessary or Power to supply fittings &c.

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A.D. 1915. — 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.

(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.

Penalty for
injuring
meters &c.

59.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any 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 fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

(2) 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 the 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 *prima facie* evidence that

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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. A.D. 1915.

60.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus. Detection of waste.

(2) Provided that the Council shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

61. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Provided also that nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the limits of supply. Contracts for supply of water in bulk.

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PART V.

FINANCIAL.

Power to
borrow.

62.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(A) For the purchase of lands and easements for and the construction of the waterworks by this Act authorised to be acquired and constructed the sum of ninety-nine thousand one hundred and fifty-five pounds :

(B) For new mains extensions of mains service pipes and other waterworks purposes the sum of three thousand pounds :

(C) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) The Council shall pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) mentioned in this section within sixty years from the date or dates of borrowing the same :

As to money borrowed for the purposes (B) mentioned in this section within thirty years from the date or dates of borrowing the same :

As to money borrowed for the purpose (C) mentioned in this section within five years from the passing of this Act.

(3) The Council may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act.

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

(4) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the water revenue and the district fund and the general district rate.

(5) The provisions of this section shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes." A.D. 1915.

63. Notwithstanding anything in this Act the Council shall not under the powers of this Act borrow any money other than money required for the payment of the costs charges and expenses of this Act as hereinafter provided during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained. Council not to borrow during continuance of war.

64.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their gas or water undertakings respectively and after the commencement of such year it shall be lawful for the Council to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Council authorising such borrowing pari passu with any bond or mortgage affecting the same and it shall further be lawful for the Council to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three pounds per centum per annum as they may resolve Provided that— As to temporary borrowing.

(A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year:

(B) The clerk shall within forty-two days after the end of each financial year furnish to the Local Government

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Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :

- (c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Board by the said report or by such investigation that the Council have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and sixteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of the Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Section 234
of Public
Health Act
1875 not to
apply.

65. The powers of borrowing money given 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 and the sums borrowed or to be borrowed for the purpose of constructing works for the supply of water under and in pursuance of the sanctions of the Local Government Board set forth in the First Schedule to this Act shall not be reckoned.

Mode of
raising
money.

66. 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 contained in the section of this Act whereof the marginal note

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is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. A.D. 1915.

67. The following provisions of the Act of 1893 with any necessary modifications and subject as regards mortgages granted under the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes" to the provisions of that section shall extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):— Application
of provisions
of Act of
1893.

Section 44 (Provisions as to mortgages);

Section 45 (Protection of lender from inquiry);

Section 50 (Local Board not to regard trusts).

68. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them. Provided that the Council shall not be bound to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (A) mentioned in the section of this Act whereof the marginal note is "Power to borrow" until the expiration of five years from the time of borrowing the same or the completion of the works in respect of which the moneys are borrowed whichever of those events shall first happen. Mode of
payment
off of money
borrowed.

69.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— Sinking
fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of

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which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appear to the Council at any time that the amount in the sinking fund with the future payments thereto in accord-

ance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appear to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

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(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

70.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to use one form of mortgage for all purposes.

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(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

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(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

71.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to use sinking fund instead of borrowing.

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were

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raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Application
of moneys
borrowed.

72. All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed

for current expenses) to which capital is properly applicable A.D. 1915.
Provided that moneys which may have been borrowed in excess
of the amount required shall be paid into the sinking fund or
shall be applied in such manner as the Council with the approval
of the Local Government Board determine.

73.—(1) The Council shall have power—

Power to
reborrow.

- (A) To borrow for the purpose of paying off any moneys
previously borrowed under any statutory borrowing
power which are intended to be forthwith repaid ; or
- (B) To borrow in order to replace moneys which during
the previous twelve months have been temporarily
applied from other funds of the Council in repaying
moneys previously borrowed under any statutory
borrowing power and which at the time of such
repayment it was intended to replace by borrowed
moneys.

(2) Any moneys borrowed under this section shall for the
purposes of repayment be deemed to form part of the original
loan and shall be repaid within that portion of the period
prescribed for the repayment of that loan which remains unex-
pired and the provisions which are for the time being applicable
to the original loan shall apply to the moneys borrowed under
this section.

(3) The Council shall not have power to borrow for the
purpose of making any payment to a sinking fund or of paying
any instalment or making any annual payment which has or
may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order
to replace any moneys previously borrowed which have been
repaid—

- (A) by instalments or annual payments ; or
- (B) by means of a sinking fund ; or
- (C) out of moneys derived from the sale of land ; or
- (D) out of any capital moneys properly applicable to the
purpose of the repayment other than moneys borrowed
for that purpose.

(5) Section 49 (Power to reborrow) of the Act of 1893 is
hereby repealed but without prejudice to anything done or
suffered to be done thereunder.

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Returns to
Local
Government
Board as to
repayment
of debt.

74.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any of the moneys raised by the Council in pursuance of any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforce-

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able by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1915.

(3) Section 48 (Annual return to Local Government Board with respect to sinking fund) of the Act of 1893 is hereby repealed.

75.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixed equated periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

76. When under the provisions of any Act of Parliament or of any order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required Power to invest sinking funds in statutory securities.

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A.D. 1915. to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Application
of water
revenue and
deficiency in
receipts.

77.—(1) The Council shall apply all moneys received by them in respect of their water undertaking except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

(First) In payment of the working and establishment expenses and cost of maintenance of the water undertaking:

(Secondly) In payment of the interest on moneys borrowed by the Council for the purposes of the water undertaking:

(Thirdly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of the water undertaking:

(Fourthly) In extending improving and constructing (if the Council think fit) any works for the purposes of the water undertaking:

(Fifthly) In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being upon the water undertaking of the Council which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort

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may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum : A.D. 1915.

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of the water undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on improving or extending the water undertaking and paying the current expenses connected therewith :

Provided that the Council shall not carry to the district fund any such balance or part thereof until the date of the completion of the Elslack Reservoir or the date of the expiration of a period of ten years from the passing of this Act whichever of such dates is the earlier.

(2) Any deficiency in the revenue and receipts of the Council in respect of the water undertaking to meet any of the payments first secondly and thirdly enumerated in subsection (1) of this section shall in the absence of a reserve fund applicable to the purpose or so far as such reserve fund is not sufficient for the purpose be from time to time made good out of the district fund and to the extent that such fund is insufficient out of the next general district rate to be made by the Council.

78. Section 55 (Application of gas revenue) of the Act of 1893 shall be read and have effect as if the words—

“the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being upon the gas undertaking of the Council”

had been inserted in paragraph (5) thereof in lieu of the words “one thousand pounds” where those words first appear and as if the words “the prescribed maximum” had been inserted therein in lieu of the words “one thousand pounds” where those words secondly appear.

79. Save as otherwise by this Act expressly provided all expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid out of the district fund or general district rate.

Reserve fund
in respect of
gas under-
taking.

Expenses of
executing
Act.

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PART VI.

MISCELLANEOUS.

Dwelling-houses for persons in Council's employment.

80. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased by the Council for the purposes of the said undertaking.

In executing works for owner Council liable for negligence only.

81. Whenever the Council or the surveyor or other duly authorised officer of the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or other such officer as aforesaid or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Evidence of appointments authority &c.

82. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council

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or of the clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1915.

83. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the clerk. Consent of Council to be in writing.

84. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Council.

85.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district 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 registered office or at their principal office or place of business.

86. 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. Confirmation of byelaws.

87. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of this Act or by any conviction or order made by a court of summary As to appeal.

A.D. 1915.

jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Damages and charges to be settled by justices.

88. Where any damages, expenses, costs, or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages, expenses, costs, or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Compensation how to be determined.

89. When any compensation, costs, damages, or expenses is or are by this Act directed to be paid and the method of 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.

Inquiries by Local Government Board.

90.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act; and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act, 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry, and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Apportionment of expenses in case of joint owners.

91. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners, the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery of penalties &c.

92. Save as otherwise by this Act expressly provided, all offences against this Act, and all penalties, forfeitures, costs, and expenses imposed or recoverable under this Act, or any byelaw

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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. 1915.

93. Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1893 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.

94. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk. Informations by whom to be laid.

95. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct. Penalties to be paid over to treasurer.

96. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

97. 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 consequence 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.

98. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

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Powers of
Act cumulative.

99. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown
rights.

100. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Expenses of
Act.

101. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1915.

FIRST SCHEDULE.

WATERWORKS LOANS.

Date of Sanction of Local Government Board.	Amount sanctioned.	Amount borrowed.	Period authorised for repayment.	Balance outstanding on 31st March 1914 less Balance in Sinking Fund.		
	£	£		£	s.	d.
3rd September 1884 -	500	500	30 years	58	6	8
19th March 1891 -	8,000	8,000	30 years	2,763	1	1
13th November 1896 -	777	777	30 years	370	0	0
20th November 1903 -	1,000	950	30 years	631	9	2
11th April 1904 -	850	625	30 years	476	15	5
22nd September 1908 -	250	250	21 years	178	11	6
5th September 1912 -	2,048	2,048	15 years	1,979	0	0
Do. do. -	2,114	1,195	30 years	1,155	0	0
15th December 1913 -	2,400	—	30 years	—		
Totals -	£ 17,939	14,345		7,612	3	10

SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Barnoldswick Urban District Council Water Act 1915 and of other their powers in that behalf them enabling the Barnoldswick Urban District Council (hereinafter called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided)

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A.D. 1915. at the rate of _____ per centum per annum from the
_____ day of _____ one thousand nine hundred and _____ until
_____ payment of the said principal sum such interest to be paid half-
_____ yearly [on the _____ day of _____ and the _____ day of
_____ in each year] And it is hereby agreed that the said
principal sum of _____ pounds shall be repaid at the office
of the Council in the said district [(subject as hereinafter provided) on
the _____ day of _____ one thousand nine hundred and
_____] [by _____]:

Provided always and it is hereby agreed and declared that the
before-mentioned time for repayment may be extended to such subse-
quent day or days and upon any such extension the before-mentioned
rate of interest may be altered to such other rate or rates of interest
as shall from time to time be mentioned and specified in an endorse-
ment to be made hereon under the hands of the chairman and clerk
of the Council for the time being respectively and that upon any such
endorsement being made whether relating to extension of time only or
to extension of time with alteration of rate of interest the provisions
thereof shall be incorporated herewith and shall operate and take effect
as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to
be hereunto affixed this _____ day of _____ one thousand
nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____
consenting the within-mentioned time for repayment of the within-
mentioned principal sum of _____ is hereby extended
to the _____ day of _____ one thousand nine
hundred and _____ [and the interest to be paid thereon on
and from the _____ day of _____ one thousand nine
hundred and _____ is hereby declared to be at the rate of
_____ per centum per annum].

Dated this _____ day of _____ one thousand nine
hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
of _____
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter called "the transferee") do hereby transfer to the transferee

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[his] executors administrators and assigns [the within-written security]
[the mortgage number of the revenues of the Barnoldswick
Urban District Council bearing date the day of]
and all my right and interest under the same subject to the several
conditions on which I hold the same at the time of the execution
hereof and I the transferee for myself my executors administrators and
assigns do hereby agree to take the said mortgage security subject to
the same conditions.

A.D. 1915.

Dated this day of one thousand nine
hundred and

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