

**CHAPTER xxii.**

An Act to confer further powers on the Ashton-under-Lyne
Stalybridge and Dukinfield (District) Waterworks Joint
Committee. A.D. 1885.
—

[21st May 1885.]

WHEREAS under and by virtue of the Ashton-under-Lyne Stalybridge and Dukinfield District Waterworks Act 1870 (herein-after called "the Act of 1870") the separate waterworks undertakings of the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (in this Act called "the Corporation of Ashton") and of the mayor aldermen and burgesses of the borough of Stalybridge (in this Act called "the Corporation of Stalybridge") and of the Local Board for the district of Dukinfield (in this Act called "the Dukinfield Local Board") and the joint waterworks undertakings of the two corporations were consolidated and provision was made for the establishment of a joint waterworks undertaking consisting in part of then existing and in part of new reservoirs and works:

And whereas pursuant to powers contained in the said Act the Local Board of Health for the district of Mossley and the Local Board of Health for the district of Hurst combined in the system of water supply under the said Act with the said two corporations and the Local Board of Dukinfield:

And whereas the district of the Local Board of Mossley has been since created a municipal borough and the inhabitants thereof have been incorporated by Charter under the Municipal Corporations Act 1882 as the mayor aldermen and burgesses of the borough of Mossley in the counties of Lancaster York and Chester (who are herein-after referred to as "the Corporation of Mossley") and the said three corporations and two local boards are in this Act called the Five Combining Authorities:

And whereas the said waterworks undertaking is now vested in and managed by a Joint Committee constituted under the said Act upon which the Five Combining Authorities are represented:

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And whereas the said Act contained provisions defining the shares of the Combining Authorities respectively in the waterworks undertaking and the proportions in which they were to contribute moneys for the purposes thereof :

And whereas a valuation was duly made as provided by the said Act of the several waterworks undertakings mentioned in and transferred to the Joint Committee by that Act :

And whereas the works authorised by the said Act have proved more costly than was anticipated and it is necessary to increase the amounts of money which the Five Combining Authorities have to provide for the purpose :

And whereas estimates have been prepared as to the additional money which will be required for the purpose of the said works which are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 and such estimates amount to two hundred thousand pounds :

And whereas the proportions in which the Five Combining Authorities are now interested in the said works under the provisions of the said Acts are as stated in the second column of the schedule to this Act :

And whereas under the Act of 1870 the Joint Committee have powers to make on the Five Combining Authorities respectively such calls for money in respect of the amount to be contributed by them under that Act as the Joint Committee think fit and the said Combining Authorities have power to borrow for the contributions to capital required of them respectively by the Joint Committee sums not exceeding those specified in the third column of the said schedule subject as regards the Corporation of Ashton-under-Lyne to certain alterations made in the Act of 1870 by a Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1882 :

And whereas the Act of 1870 was in some respects amended by the Ashton-under-Lyne Stalybridge and Dukinfield District Waterworks Act 1875 (herein-after called "the Act of 1875") and the said Act contains provisions as to moneys to be set apart annually as a sinking fund by the several Combining Authorities for the repayment of moneys borrowed by them respectively under the Act of 1870 :

And whereas the provisions of the Act of 1875 with respect to the setting apart of moneys by way of sinking fund have been to some extent modified with reference to the Corporation of Ashton and the Local Boards of Dukinfield and Hurst by a Provisional Order for partially repealing and altering the said Act which is set forth in

the schedule to and confirmed by the Local Government Board's A.D. 1885.
Provisional Orders Confirmation (No. 5) Act 1883 : —

And whereas by the twenty-first section of the Act of 1870 the time for the completion of the waterworks was limited to the fourteenth day of July one thousand eight hundred and eighty-five and it is expedient that the time within which the said powers may be exercised should be extended as in this Act provided :

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

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

1. This Act may be cited for any purpose as the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Act 1885. Short title.

2. The Acts of 1870 and 1875 as amended by this Act may be cited together as the Ashton-under-Lyne Stalybridge and Dukinfield District Waterworks Acts 1870 1875 and 1885. Title of Acts.

3. The powers conferred on the Joint Committee by the Act of 1870 for executing the reservoirs and works authorised by that Act are hereby extended and may notwithstanding anything in the twenty-first section of that Act be exercised at any time within seven years from the passing of this Act. Extension of time for completion of works.

4. The Five Combining Authorities shall respectively contribute such further sums of money as may be required for the completion of the joint waterworks undertaking. The proportions in which they shall contribute to the said capital shall be those which are set out in the second column of the schedule hereto opposite their respective names provided that the amount which they may contribute or be called upon to contribute over and above the amount which they are required or authorised to contribute under the Act of 1870 shall not exceed the sums respectively set forth in the fourth column of the said schedule. Further contribution to capital.

5. All powers of the Joint Committee under the Act of 1870 as to making calls of money upon the Combining Authorities shall apply in the case of the additional money which the Five Combining Authorities are by this Act required to contribute and each of the Five Combining Authorities may in addition to the sums which they are authorised to borrow under the Act of 1870 for the purposes of their contributions under that Act borrow such Powers of Acts of 1870 and 1875 to apply.

A.D. 1885. further sums as may be necessary to make up their respective contributions under this Act but not exceeding the amounts respectively mentioned in the fourth column of the said schedule and all the provisions of the Act of 1870 as amended by the Act of 1875 with respect to the borrowing and repayment of money and the returns to be made to the Local Government Board by the said authorities respectively shall subject to the provisions of this Act extend and apply to the money to be borrowed by them under the provisions of this Act.

Special provision as to Corporation of Ashton-under-Lyne.

6. Nothing in this Act shall be deemed or construed to authorise the Corporation of Ashton-under-Lyne to borrow without the sanction of the Local Government Board the sum of nineteen thousand seven hundred and one pounds sixteen shillings and nine pence referred to in Article 2 of the Provisional Order relating to Ashton-under-Lyne confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1882.

As to repayment of money borrowed under this Act.

7. Each of the Combining Authorities shall pay off all moneys borrowed by them respectively under the powers of this Act within a period of sixty years from the date of borrowing in each case. Each of the Combining Authorities respectively shall provide for the repayment of the moneys so borrowed by them by setting apart as a sinking fund and accumulating in the way of compound interest by investment of the sums so set apart in the purchase of Exchequer bills or other Government securities or securities in which trustees are by law for the time being authorised to invest or in securities issued by any local authority as defined by section 34 of the Local Loans Act 1875 (other than the authority making the investment) such equal yearly sums as will with the accumulations be sufficient after payment of all expenses to pay off all such moneys within such period of sixty years. Provided that any such authority may defer commencing to set apart moneys as a sinking fund to pay off moneys borrowed under this Act for a period of not exceeding five years from the date of borrowing such money. Provided that the said authorities respectively may at any time apply the whole or part of any sinking fund set apart in accordance with the requirements of this section in or towards the discharge of the moneys for the repayment of which the fund has been established but in any such case they shall pay into the fund in each year and accumulate until the whole of the moneys for the repayment of which the fund has been established has been discharged a sum equal to the interest which would have been produced by the fund or the part of the fund so applied. Provided also that when the sinking fund is equal in value to so much of the moneys for the repayment of which it has

been established as remain undischarged all sums required by this section to be paid into the fund may cease to be so paid and the annual income of the fund may be applied in payment of the annual interest payable upon the borrowed moneys remaining undischarged. A.D. 1885.

8. If any of the Combining Authorities pay off otherwise than by means of a sinking fund or out of the proceeds of the sale of surplus lands any principal money borrowed by them under the powers of the Acts of 1870 and 1875 as amended by this Act they may re-borrow the same and so from time to time. But the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the time limited by the said Acts and this Act for the repayment of the original loan and for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan. As to re-borrowing.

9. In making calls under the powers and for the purposes of the Acts of 1870 and 1875 as amended by this Act the Joint Committee shall distinguish between money required for purposes of capital and money required for purposes of revenue and the powers of borrowing conferred upon the Combining Authorities under this Act shall be exercised only in respect of calls made for moneys required for purposes of capital. Calls on capital and revenue account to be distinguished.

10. Section 10 of the Act of 1875 is hereby repealed and instead thereof be it enacted that a person lending money to any one of the Combining Authorities shall not be bound to inquire as to the observance by them of any provisions of the Acts of 1870 or 1875 or this Act or be bound to see to the application or be answerable for any loss or misapplication of such money or of any part thereof. Protection of lenders from inquiry.

11. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Joint Committee out of the capital provided for in the Act of 1870 as amended by the Act of 1875 and this Act. Costs of Act.

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SCHEDULE referred to in the foregoing Act.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.	FOURTH COLUMN.
Name of Combining Authority.	Proportions in which Authority is interested in the Works, and to contribute further Capital.	Amount which Authority is now authorised to borrow, under the Acts of 1870 and 1875.	Limitation of further Amount to be borrowed.
Corporation of Ashton-under-Lyne.	$\frac{259}{675}$	£ s. d. 138,133 6 8	£ s. d. 76,740 14 10
Corporation of Stalybridge	$\frac{185}{675}$	98,666 13 4	54,814 16 3
Dukinfield Local Board -	$\frac{111}{675}$	59,200 0 0	32,888 17 9
Corporation of Mossley -	$\frac{75}{675}$	40,000 0 0	22,222 4 6
Hurst Local Board - -	$\frac{45}{675}$	24,000 0 0	13,333 6 8
		360,000 0 0	200,000 0 0