



### CHAPTER xxxvi.

An Act to authorise the Loughborough Local Board to construct works for obtaining a further supply of water and to borrow further money and to extend the limits within which the Local Board may supply water; and for other purposes. A.D. 1886.

[4th June 1886.]

**W**HEREAS by the Loughborough Local Board Act 1868 (in this Act called "the Act of 1868") the Local Board of Health for the district of Loughborough in the county of Leicester (in this Act called "the Local Board") were empowered (amongst other things) to construct and maintain waterworks and to supply sell and dispose of water as they should think fit within the limits of that Act for the supply of water which limits were by the said Act declared to be the district of the Local Board which is co-terminous with the parish of Loughborough and to borrow money for the purposes of that Act:

And whereas under the powers of the Act of 1868 the Local Board constructed the waterworks thereby authorised and are now supplying water within their district:

And whereas the population of the district has been for some time past and still is rapidly increasing and the trades and manufactures therein have greatly extended and are likely to be still further developed and the sources of water supply available under the Act of 1868 are inadequate to meet the present and future wants of the district for a supply of water:

And whereas it is expedient that the Local Board be empowered to construct the additional waterworks by this Act authorised in order to obtain a further supply of water:

And whereas the part herein-after in that behalf mentioned of the parish of Sheepshead in the county of Leicester contains a large and increasing population and is without a proper supply of water:

And whereas the said part of the parish of Sheepshead immediately adjoins the conduit or line of pipes Number 1 by this Act authorised and can be conveniently supplied with water by gravitation therefrom



A.D. 1886. — and it is therefore expedient that the Local Board be empowered to supply that part of the said parish with water and that their limits of supply be accordingly extended so as to include the said part of the said parish :

And whereas the Local Board have borrowed the whole of the money which they were authorised by the Act of 1868 to borrow and it is expedient that they be authorised to raise further money by borrowing for the purposes of this Act and for the general purposes of their water undertaking :

And whereas it is expedient that such further powers be conferred upon the Local Board and such further provisions made with respect to the Local Board and their waterworks undertaking as are in this Act expressed and contained :

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

And whereas estimates have been prepared by the Local Board for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of thirty-five thousand pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the twenty-third day of November one thousand eight hundred and eighty-five after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Loughborough Herald" a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rates of the district :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the fourth day of January one thousand eight hundred and eighty-six being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

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 (that is to say) :—

1. This Act may be cited as the Loughborough Local Board Act 1886. Short title.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to collectively as the Lands Clauses Acts) ;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ;

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the crossing of roads or other interference therewith and the temporary occupation of lands near the railway during the construction thereof Provided that the last-named provisions shall apply only to the reservoirs by this Act authorised.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act— Interpretation of terms.

“The undertakers” or “the company” means the Local Board ;

“The railway” means the reservoirs by this Act authorised to be constructed or either of them ;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundary of each such reservoir :



A.D. 1886. And in this Act—

“The Public Health Acts” means the Public Health Act 1875 and any Act for the time being in force amending the same; And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Water limits.

4. The limits within which the Local Board may supply water are hereby extended so as to include the existing district of the Local Board and so much of the parish of Sheephead in the county of Leicester as lies to the northward of the Old Charnwood Forest Canal (which part of the parish of Sheephead is herein-after referred to as “the added area”) and such extended limits are in this Act referred to as “the water limits” Provided that if the added area shall not be adequately supplied with water within seven years from and after the passing of this Act the sanitary authority for the district in which the added area is included may on giving not less than six months notice in writing to the Local Board of such their desire purchase and (in the event of such notice being given) the Local Board shall sell such portion of the water undertaking of the Local Board as is situate within the added area (except the lands wells streams adits waters waterworks mains and pipes or other apparatus which shall be necessary for supplying with water any other parts of the water limits) The price to be paid for such portion of the undertaking and the terms and conditions of such sale shall in default of agreement be fixed by arbitration in manner provided by the Public Health Act 1875 Provided that after the completion of such purchase all obligation on the part of the Local Board to supply water within the added area shall cease and determine.

Act to be executed by Local Board.

5. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts and those Acts shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts so far as the same shall be applicable thereto and except so far as any of the provisions of the last-mentioned Acts are expressly varied or otherwise provided for by this Act.

Power to make water-works.

6. Subject to the provisions of this Act the Local Board may make and maintain in and according to the lines situations and levels shown on the deposited plans and sections the works herein-after

described and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose. The works herein-after referred to will be wholly situate in the county of Leicester and are :—

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- (a.) A reservoir (Number 1) in the parishes of Whitwick and Sheepshead or one of them to be situate on a piece of land now belonging or reputed to belong to Everard March Phillipps de Lisle containing one acre or thereabouts and including the bed and banks of the stream known as Black Brook by which it is intersected and the northern side of which reservoir will cross the said brook at a point thereon about six hundred and thirty yards measured along the course of the said stream above the site of the embankment of the disused Charnwood Forest Canal Reservoir in the parishes aforesaid or one of them ;
- (b.) A reservoir (Number 2) in the parishes of Whitwick and Sheepshead or one of them to be situate on a piece of land now belonging or reputed to belong to Everard March Phillipps de Lisle containing one acre or thereabouts and including the bed and banks of the stream known as Black Brook by which it is intersected and the northern side of which reservoir will cross the said brook at a point thereon about fifty yards measured along the course of the said stream above the site of the embankment of the disused Charnwood Forest Canal reservoir in the said parishes or one of them ;
- (c.) A conduit or line of pipes (Number 1) commencing in the parishes of Whitwick and Sheepshead aforesaid or one of them in and out of the reservoir (Number 1) above described authorised by this Act and terminating in or near the centre of the north-west side of the existing reservoir of the Local Board in the parish of Loughborough ;
- (d.) A conduit or line of pipes (Number 2) in the parishes of Whitwick and Sheepshead aforesaid or one of them commencing in and out of the reservoir (Number 2) above described authorised by this Act and terminating by a junction with the conduit or line of pipes (Number 1) authorised by this Act ;
- (e.) A conduit or line of pipes (Number 3) wholly in the parish of Loughborough commencing by a junction with the conduit or line of pipes (Number 1) authorised by this Act at a distance of about fifty feet north of its termination as above described and terminating in the filter-beds of the Local Board lying to the north-east of their reservoir above mentioned ;
- (f.) A conduit or line of pipes (Number 4) wholly in the parish of Loughborough commencing in and out of the conduit or line of pipes (Number 3) authorised by this Act at or near the



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south-western corner of the filter-beds aforesaid and terminating by a junction with the leading main of the Local Board at a point about thirty yards from its commencement in the filter-beds aforesaid;

together with all necessary and proper approaches embankments roads filtering-beds wells tanks dams sluices culverts mains pipes engines and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same or for the supply of water within the water limits.

For the protection of the London and North-western Railway Company.

7. The following provisions for the protection of the London and North-western Railway Company (herein-after referred to as "the company") shall unless otherwise agreed between the Local Board and the company apply and have effect:—

1. In constructing and maintaining the conduit or line of pipes Number 1 by this Act authorised the Local Board shall not except with the consent of the company under their common seal take use enter upon or interfere with the Charnwood Forest Railway or any part thereof or of the lands or works belonging to or occupied by the company except so far as may be necessary for constructing such conduit or line of pipes where the same is intended to be carried under and across the said railway as shown upon the deposited plans and sections between the fields numbered on such plans 13 and 15 in the parish of Sheepshead and between the fields numbered 41 and 42 in the same parish and where the same is intended to be carried along the said railway between the points respectively situate one hundred and twenty yards to the westward and one hundred and sixty yards to the eastward of the bridge in the parish of Sheepshead carrying Tickhill Lane over the said railway and then only in accordance with and subject to the provisions of this section and notwithstanding anything in this Act contained or shown upon the deposited plans and sections the said conduit or line of pipes shall not be constructed across or along the said railway at any point or points other than the points above mentioned;

2. The said conduit or line of pipes Number 1 shall be carried under along and across the said railway by mains or pipes which for their entire length upon along or under the railway and for twenty feet on each side of the boundary fences of the railway shall be of such reasonable materials dimensions quality and thickness as the principal engineer of the company shall in writing reasonably approve and where such conduit

or line of pipes is intended to be carried under and across the railway the same shall be so carried by means of a walled passage or culvert of sufficient height and width to admit of the same being examined to ascertain the state and condition of repair and for effecting the repairs and renewals thereof such walled passage or culvert to be constructed according to plans to be previously approved by the said principal engineer as aforesaid and so that with respect to such crossings the Local Board shall not without the consent in writing of such engineer deviate (except as rendered necessary by the construction of the said walled passage or culvert or as herein provided) the said mains or pipes vertically or laterally from the lines and levels thereof as shown on the deposited plans and sections and the said conduit or line of pipes Number 1 and all the works referred to in this section and all maintenance repairs and renewals thereof shall be done and executed by the Local Board to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times and with such due despatch as he shall reasonably approve ;

3. The said conduit or line of pipes Number 1 shall between the aforesaid points of one hundred and twenty yards to the westward and one hundred and sixty yards to the eastward of the aforesaid bridge carrying Tickhill Lane over the Charnwood Forest Railway be laid along the northern limits of deviation shown on the deposited plans or in such other position within the said limits as the said principal engineer shall approve and if and whenever the company require to widen alter or provide additional or other accommodation for or in connexion with the said railway and for any of such purposes shall require the removal or alteration of the said conduit or line of pipes Number 1 between those points the Local Board shall at their own expense within the period of six months from the receipt of notice in writing from the company under their common seal in that behalf remove and alter the same so as to admit of such widening alteration or additional accommodation ;
4. The company shall not be liable for any damage which may be caused to the said conduit or pipe where laid between such points by reason of the maintenance repair or working of the railway or the subsidence of the soil in which the same is laid ;
5. In laying down or executing the repairs or renewals of any mains pipes or other works of the Local Board for the supply



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of water within the water limits or in the removal or alteration thereof upon across over under or in any way affecting the railways stations bridges approaches or other works lands or property now or hereafter belonging to or used by the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the company and only according to such plans and in such manner as shall be previously submitted to and reasonably approved by such engineer and by and at the expense in all things of the Local Board who shall restore and make good the roads over any bridges and approaches which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any works or operations of the Local Board ;

6. If by reason of any works or proceedings of the Local Board or of their workmen or of the failure leakage or bursting of any works or pipes of the Local Board the said Charnwood Forest Railway or any of the works thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Local Board at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the company may make good the same and recover the reasonable expense thereof from the Local Board with full costs by all and the same means as any simple contract debt is recoverable and the Local Board shall also make good and repay to the company any loss damage or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works ;
7. With respect to any lands which the Local Board are by this Act authorised to use enter upon or interfere with for the purpose of constructing or maintaining the said conduit or line of pipes Number 1 where the same is intended to be constructed across or along the Charnwood Forest Railway as aforesaid the Local Board shall not purchase or take the same but the Local Board may purchase or take and the company or the Charnwood Forest Railway Company may and shall sell and grant accordingly an easement or right of using the same for the purposes of such construction ;
8. The Local Board and the company may from time to time vary or alter the provisions of this enactment ;
9. Any dispute or difference with respect to the true intent and meaning of this enactment or with respect to the mode of giving effect thereto shall be settled by an engineer to be appointed (on the application of either party) by the President



for the time being of the Institution of Civil Engineers of London. A.D. 1886.

8. Subject to the provisions of this Act the Local Board may from time to time for the purpose of their waterworks undertaking collect impound take use divert and appropriate:— Power to take waters.

All such streams and waters as will or may be intercepted by the works authorised by this Act or as may be found in upon or under any lands for the time being belonging to the Local Board or which they may acquire under the powers of this Act and especially the brook or stream in the parishes of Whitwick and Sheepshead both in the county of Leicester known as Black Brook and the tributaries thereof including Charley Brook Dry Brook and Hermitage Brook.

9. In constructing the waterworks and other works by this Act authorised or any of them the Local Board may subject to the provisions of this Act deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of a reservoir three feet upwards and seven feet downwards and in the case of all other works not exceeding ten feet Provided always that the Local Board shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. Power to deviate.

10. The powers of the Local Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

11. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement but not otherwise any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take by compulsion but the Local Board shall not use any such lands for any building except buildings required for or used in connexion with their water undertaking. Power to take additional lands by agreement.

12. 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 or demise and may by way of exchange convey to the Local Board any lands or any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend Power to take easements &c. by agreement.



A.D. 1886. and apply to such grants demises and conveyances and to such lands easements rights and privileges as aforesaid respectively.

Reservation  
of water  
rights &c. on  
sale.

**13.** The Local Board on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also 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 use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Application  
of moneys  
derived from  
sale of sur-  
plus lands.

**14.** The proceeds of the sale of any surplus lands of the Local Board under the powers of this Act shall be applied towards the extinguishment of any loan borrowed by the Local Board under the powers or for the purposes of this Act and shall be in addition to and not in substitution for any other mode of repayment by this Act provided.

Time for  
completion  
of works.

**15.** If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease to be exercised except as to such of them or so much thereof respectively as is then completed but nothing in this section shall restrict the Local Board from extending their works mains and pipes from time to time whenever such extension may be necessary for the purpose of increasing or distributing the supply of water within the water limits.

Restriction  
on displacing  
persons of  
the labour-  
ing class.

**16.** The Local Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Level at  
which water  
to be sup-  
plied.

**17.** Notwithstanding anything in the Waterworks Clauses Act 1847 contained the water to be supplied by the Local Board need



not be supplied in any case at a level above that at which water can be supplied by gravitation from the respective reservoir or work (whether existing or to be hereafter constructed by the Local Board) from which water may for the time being be actually supplied by the Local Board in the district generally in which the premises supplied or to be supplied are situate.

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**18.** Subject to the provisions of this Act the Local Board may for water supplied by them for domestic or other purposes within the added area demand and take rates and charges not exceeding those which for a like supply under like circumstances the Local Board may now lawfully take within their existing limits of supply Provided always that the expression "annual rack rent or value" used in section 14 of the Act of 1868 in reference to any dwelling-house or part of a dwelling-house to be supplied with water shall for the purposes of the Act of 1868 and this Act mean the rateable value of such dwelling-house or part of a dwelling-house as ascertained by the valuation list in force in the parish in which the premises are situate at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate for the relief of the poor made in respect of such premises Provided further that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined in manner provided by section 68 of the Waterworks Clauses Act 1847.

As to water rates in added area.

**19.** Notwithstanding anything contained in section 14 of the Act of 1868 the Local Board shall at the request of the owner or occupier of any private dwelling-house or part of a private dwelling-house such as is mentioned in that section furnish to such owner or occupier a supply of water for each bath and watercloset situate in or attached to such dwelling-house or part of a dwelling-house but this enactment shall not be construed as in any way altering the rates and charges which the Local Board may levy under the provisions of the said section 14 of the Act of 1868 in respect of such baths and waterclosets.

Local Board to supply any number of baths and waterclosets on premises.

**20.** If any water consumer leave the premises to which water has been supplied without paying to the Local Board the water rate or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Local Board or with the defaulting consumer to pay the arrears but the Local Board shall supply water to the incoming

Incoming tenant not to be liable for arrears of water rent except by express agreement.



A.D. 1886. tenant upon the terms and conditions prescribed by this Act if required by him so to do.

Byelaws for preventing waste of water.

**21.** For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely:—

(1.) The Local Board may from time to time make such byelaws as they think expedient for the objects aforesaid to be observed by persons supplied with water but no such byelaws shall be of any force or effect except within the parts of the district which the Local Board is bound to supply and does supply under constant pressure;

(2.) The Local Board may by any such byelaws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water;

(3.) In case of the failure of any person to observe any byelaws for the time being in force the Local Board may if they think fit after twenty-four hours notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable;

(4.) All byelaws made by the Local Board under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 187 both inclusive of the Public Health Act.

Public drinking fountains.

**22.** The Local Board from time to time when and as they think expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the Local Board think fit



but not against any private dwelling-house warehouse counting-house or shop except with the consent of the owner and occupier thereof or against any public building unless the building shall be the property of the Local Board.

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**23.** The Local Board may supply water within the water limits for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Local Board and the person requiring the supply. 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.

Charges for supply of water for other than domestic purposes.

**24.** The Local Board may from time to time sell and dispose of meters and any fittings thereto upon and subject to such terms (pecuniary or otherwise) and conditions as the Local Board think fit and may let for hire any meter for ascertaining the quantity of water consumed or supplied and any fittings thereto for such remuneration in money and on such terms and conditions with respect to the repair maintenance and protection of such meter and fittings and for securing access to and the safety and return to the Local Board of such meter and fittings as the Local Board may prescribe or as may be from time to time agreed upon between the hirer and the Local Board and such remuneration shall be recoverable in the same manner as water rates due to the Local Board.

Power to sell or let meters.

**25.** No person shall connect any meter with any pipe through which any water is supplied by the Local Board to such meter or disconnect any meter from any such pipe unless he shall have given to the Local Board not less than forty-eight hours notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer of or person authorised by the Local Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice to Local Board.

**26.** Every consumer of water supplied by the Local Board shall at all times at his own expense keep all meters belonging to him whereby any water of the Local Board is registered in proper order for correctly registering such water in default whereof the Local Board may cease to supply water through such meters and the Local Board shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Local Board if the meter

Repair of meters.

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Register of meters to be primâ facie evidence.

**27.** The register of the meter shall be primâ facie evidence of the quantity of water consumed in respect of which any water rate is charged and sought to be recovered by the Local Board. Provided always that if the Local Board and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Power for Local Board to supply materials &c.

**28.** The Local Board may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply, and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Local Board in providing such materials and executing such work shall be paid by the person requiring the same.

Powers for agreements with sanitary authorities &c.

**29.** The Local Board may from time to time agree with any sanitary authority or public body or company for the supply by the Local Board to the authority public body or company either within or beyond the water limits of water in bulk and may also by agreement with the owner or occupier of any buildings premises or lands beyond the water limits as extended by this Act and not within the water limits as defined by any Local Act of Parliament or Provisional Order confirmed by Act of Parliament of any sanitary authority or other public body or of any water company authorised to supply water as aforesaid supply water to him from time to time for domestic or other purposes by meter or otherwise on such terms and conditions and for such period or periods as the Local Board and such sanitary authority public body company owner or occupier as the case may be from time to time agree but the Local Board shall not under any such agreement supply water so as to interfere with a proper supply for all purposes within the water limits as by this Act extended.

Power to borrow.

**30.** The Local Board may from time to time independently of any other borrowing power borrow at interest for the following purposes the sums herein-after mentioned (that is to say) :—

For the construction of the waterworks by this Act authorised and for other the purposes of their water undertaking such



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sums as they shall think fit not exceeding in the whole the sum of thirty-five thousand pounds and (with the consent of the Local Government Board and subject to such terms and conditions as to repayment or otherwise as the Local Government Board may prescribe) the further sum of ten thousand pounds ; For the payment of the costs provided for by the section of this Act the marginal note of which is " Expenses of Act " the amount of such expenses ;

And the Local Board may mortgage the district fund and general district rate and the revenue of their water undertaking to secure the repayment of the moneys borrowed with interest.

**31.** Sections 236 to 239 (both inclusive) of the Public Health Act shall extend and apply to mortgages granted under this Act.

Provisions of Public Health Act as to mortgages to apply.

**32.** The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

Power to borrow under Local Loans Act 1875.

**33.** The powers of borrowing money by this Act given 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 Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

**34.** The Local Board shall pay off all moneys borrowed by them under this Act for the expenses of this Act within twenty years from the time of borrowing the same and all other moneys borrowed by them under this Act without the consent of the Local Government Board within fifty years from the time or respective times of borrowing the same and all other moneys borrowed by them under this Act with the consent of the Local Government Board within such period not exceeding fifty years from the time or respective times of borrowing the same as the Local Government Board may prescribe.

Period of discharge of borrowed moneys.

**35.** The Local Board shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly.

Payment off of money borrowed.



A.D. 1886.

Power to  
re-borrow.

**36.** If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or than by means of a sinking fund or than out of the proceeds of the sale of land or other property or out of fines or premiums on leases they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual  
return to  
Local  
Government  
Board with  
respect to  
sinking  
funds.

**37.** The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application  
of money  
borrowed.

**38.** Money borrowed by the Local Board under this Act shall be applied only for purposes of this Act and for the general pur-



poses of their water undertaking to which capital is properly applicable. A.D. 1886.

**39.** A person lending money to the Local Board shall not be bound to see to the application or be responsible for the non-application or misapplication of the money lent or any part thereof. Protection of lenders from inquiry.

**40.** The Local Board shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or of any one of the persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for a loan stands in the books of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Local Board have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their books and the Local Board shall not be bound to see to the application of the money paid on any such receipt or be answerable and accountable for any loss misapplication or non-application thereof. Local Board not to regard trusts.

**41.** Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same rate and property. Saving for existing charges.

**42.** The Local Board shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows :— Application of water revenue of Local Board.

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Local Board;



A.D. 1886.

In payment of the interest upon money borrowed by the Local Board for their existing waterworks ;

In payment of the interest upon money borrowed under this Act ;

In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by the Local Board for their existing waterworks and in respect of money borrowed under this Act ;

And shall carry to the district fund any balance remaining in any year.

Audit of accounts.

**43.** The provisions of the Public Health Act 1875 relating to the audit of accounts shall apply and be observed with respect to the accounts of the water undertaking of the Local Board.

Deficiency in water account to be made good.

**44.** If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Local Board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district may include therein such sums respectively (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rates.

Powers of Act cumulative.

**45.** All powers rights and remedies given to the Local Board by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Local Board may exercise such other powers as if this Act had not passed.

Expenses of Act.

**46.** All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons be paid by the Local Board in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.