



CHAPTER cl.

An Act to extend the time limited by the Dewsbury and Heckmondwike Waterworks Act 1876 for the construction of certain reservoirs and works thereby authorised and to extend the powers of the Dewsbury and Heckmondwike Waterworks Board the Corporation of Dewsbury and the Heckmondwike Local Board and for other purposes. A.D. 1890.

[4th August 1890.]

WHEREAS by the Dewsbury and Heckmondwike Waterworks Act 1876 (in this Act called the Act of 1876) the Dewsbury and Heckmondwike Waterworks Board (in this Act called the Waterworks Board) were constituted and incorporated and the members of that Board consist of nominees of the council of the borough of Dewsbury and of the local board of health for the district of Heckmondwike (in this Act called the local board) and the expenses outgoings and liabilities of the Waterworks Board and all receipts and returns of that Board are divisible between the mayor aldermen and burgesses of the borough of Dewsbury (in this Act called the corporation) and the local board in the proportions of three-fourth parts to the corporation and one-fourth part to the local board and the corporation and local board are respectively entitled (subject as in the Act mentioned) to the waters collected or intercepted by the works of the Waterworks Board in the proportions in which they are for the time being to contribute to the expenses of the undertaking:

And whereas by the Act of 1876 the Waterworks Board were empowered to make and maintain certain reservoirs aqueducts conduits roads approaches and other works mentioned or referred to in section 49 of that Act:

And whereas the Waterworks Board have constructed some of the authorised reservoirs and works and it is expedient that the

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A.D. 1890. time limited by the Act of 1876 for the construction of the other works thereby authorised should be extended :

And whereas it is expedient that further powers should be conferred with reference to the supply of water in bulk by agreement beyond the limits of the Act of 1876 as by this Act provided :

And whereas it is expedient that further provision should be made as in this Act mentioned for the prevention of waste misuse undue consumption and contamination of water supplied under this and the recited Acts :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

And whereas such resolution was published twice in the said Dewsbury Reporter 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 council of the borough at a further special meeting of the council held in pursuance of a similar notice on the twenty-eighth day of January one thousand eight hundred and ninety 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 borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

And whereas an absolute majority of the whole number of the local board at a meeting held on the twentieth day of November one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Heckmondwike Herald a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved

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that the expense of the local board in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district : A.D. 1890.

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

And whereas the propriety of the promotion of the Bill for this Act was also confirmed by an absolute majority of the whole number of the members of the local board at a further special meeting of the local board held in pursuance of a similar notice on the thirty-first day of March one thousand eight hundred and ninety 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 Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

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 Dewsbury and Heckmondwike Water Act 1890. Short title.

2. In this Act unless the context otherwise requires " the Waterworks Board " means the Dewsbury and Heckmondwike Waterworks Board " the corporation " means the mayor aldermen and burgesses of the borough of Dewsbury " the local board " means the local board of health for the district of Heckmondwike " the borough " means the borough of Dewsbury " the district " means the district of the local board and " the council " means the council of the borough Provided that the expression " superior courts " or " court of competent jurisdiction " or any other like expression in this Act 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. Interpretation of terms.

3. The power conferred on the Waterworks Board by the Act of 1876 for the construction of the reservoirs aqueducts and other works and conveniences thereby authorised is as regards such of the works as are not complete extended and continued for the further period of ten years from the expiration of the period limited by Extension of time for construction of waterworks.

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A.D. 1890. that Act for the construction of those works but on the expiration of such further period the powers for making and completing such works shall cease except as to such of them or as to so much thereof respectively as shall then be completed.

Power to
supply water
to local
authorities.

4. It shall be lawful for the Waterworks Board the corporation and the local board or any two or one of them (herein-after in this Act called the supplying authority) to supply water by agreement in bulk to any urban or rural sanitary authority any part of whose district is situate within five miles from any of the aqueducts conduits lines of pipes or waterworks of the Waterworks Board (but not being within any part of the limits of supply of water of the mayor aldermen and burgesses of the borough of Bradford as defined by their several Acts in that behalf) on such terms and conditions in all respects and for such periods as the supplying authority and such sanitary authority may from time to time agree Provided that nothing in this section shall authorise the supplying authority to supply water within or for use within the limits of supply of any urban or rural sanitary authority except with the consent of such authority nor shall the supplying authority under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within the limits of supply of the Act of 1876 Sections 28 to 34 inclusive of the Waterworks Clauses Act 1847 shall apply to any mains or pipes laid down or intended to be laid down for the supply of water under this section and any urban or rural sanitary authority laying down such mains or pipes shall be deemed to be the undertakers for the purposes of the said sections Nothing in this section contained shall authorise or empower the supplying authority to supply water to any urban or rural sanitary authority whose district lies to the west or north of the aqueduct conduit lines of pipes or waterworks of the supplying authority (unless with the consent in writing of the mayor aldermen and burgesses of the borough of Batley) except in the case of urban or rural sanitary authorities whose districts are intersected by the said aqueduct conduit or lines of pipes Provided that nothing herein contained shall prejudice or lessen the rights of the Waterworks Board the corporation or the local board to supply water under the provisions of the Public Health Act 1875 and except as otherwise provided by this Act nothing in this Act contained shall lessen prejudice diminish alter vary or take away any of the rights powers privileges or authorities of the mayor aldermen and burgesses of the borough of Batley to supply water by agreement either within or without the borough of Batley.

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5. Nothing in this Act contained shall authorise or empower the Waterworks Board the Dewsbury Corporation or the Heckmondwike Board or any or either of them to supply water either directly or indirectly in any township or place which at the time of the passing of this Act is included within the limits of supply of the mayor aldermen and burgesses of the borough of Bradford as defined by their several Acts in that behalf or to construct works or lay down pipes for such supply or grant authority for the laying down of such pipes by any other person or persons or local authority or otherwise to interfere with the rights powers and privileges of the said mayor aldermen and burgesses.

A.D. 1890.

For protection of the Corporation of Bradford.

6. For the protection of the mayor aldermen and burgesses of the county borough of Huddersfield (in this section called the Huddersfield Corporation) the following provisions shall have effect (that is to say):—

For protection of the Corporation of Huddersfield.

(1.) The supplying authority shall not except with the previous consent of the Huddersfield Corporation under their common seal supply water to or so as to be used within the district of any urban or rural sanitary authority within the statutory limits of the Huddersfield Corporation for the supply of water:

(2.) Nothing in this Act shall take away alter or prejudicially affect any rights powers or privileges of the Huddersfield Corporation:

Provided always that nothing in this section contained shall in any way take away alter or prejudicially affect the rights powers or privileges of the Waterworks Board and the Dewsbury Corporation or either of them to supply the district of Ravensthorpe with water.

7. The following provisions shall have and take effect for the protection of the rights privileges powers and authorities of the mayor aldermen and citizens of the city of Wakefield (herein-after called the Corporation of Wakefield) (that is to say):—

For protection of the interests of the Corporation of Wakefield.

(1.) Nothing in this Act contained shall authorise or empower the Waterworks Board the corporation and the local board or either of them to interfere with any of the reservoirs conduits water mains pipes or other works belonging to the Corporation of Wakefield without first obtaining the written consent and approval of the Corporation of Wakefield and under the superintendence and control of their respective engineers or officers and subject to the provisions of the Waterworks Clauses Act

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A.D. 1890. 1847 as though water mains and pipes were expressly mentioned therein:

(2.) Notwithstanding anything in this Act contained the Waterworks Board the corporation and the local board or either of them shall not (except with the consent of the Corporation of Wakefield) either directly or indirectly supply any water nor enter into any contract with any corporation local board or local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purposes of water supply of the Corporation of Wakefield defined by the Wakefield Corporation Waterworks Act 1880 nor within any township district or place within which water is on the first day of February one thousand eight hundred and ninety either directly or indirectly supplied by the Corporation of Wakefield or contracted therefor at that date.

For protection of the Corporation of Halifax.

8. The following provisions shall have and take effect for the protection of the rights privileges powers and authorities of the mayor aldermen and burgesses of the borough of Halifax (hereinafter called the Corporation of Halifax):—

(a.) Notwithstanding anything in this Act contained the supplying authority as defined by this Act shall not (except with the consent of the Corporation of Halifax) either directly or indirectly supply any water nor enter into any contract with any corporation local board or other local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purposes of water supply of the Corporation of Halifax defined by the Halifax Water and Gas Extension Act 1876 and by the Acts referred to in the First Schedule to the last-mentioned Act nor shall the supplying authority (except as herein-after in this Act expressly provided) either directly or indirectly supply any water within the local board districts of Soothill Upper or Thornhill or that part of the township of Mirfield known as the Savile Estate:

Nothing in this section contained shall in any way alter or prejudicially affect the rights powers or privileges of the Waterworks Board and the Dewsbury Corporation or either of them to supply the local board districts of Ravensthorpe and Soothill Nether with water for consumption within their respective districts:

Except as herein expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights

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Act, 1890.

privileges authorities and powers now vested in or used or exercised by the Corporation of Halifax. A.D. 1890.

9. The following provisions shall have and take effect for the protection of the rights privileges powers and authorities of the Soothill Upper Local Board and the Thornhill Local Board (that is to say) :—

For protec-
tion of the
Soothill
Upper and
Thornhill
Local
Boards.

(1.) Nothing in this Act contained shall enable the supplying authority except as in this section expressly authorised to supply water directly or indirectly to or in the district of any local authority which on the first day of January one thousand eight hundred and ninety was supplied with water either by the Soothill Upper Local Board or the Thornhill Local Board or to or in that part of the township of Mirfield known as the Savile Estate :

(2.) Nothing in this Act contained shall authorise or empower the supplying authority to interfere with any of the reservoirs conduits water mains pipes or other works belonging to the Soothill Upper and Thornhill Local Boards or either of them without first obtaining the written consent and approval of the said local boards respectively and under the superintendence and control of their respective engineers or officers and subject to the provisions of the Waterworks Clauses Act 1847 as though water mains and pipes were expressly mentioned therein :

(3.) Subject to the provisions of section 11 of the Halifax Water and Gas Extension Act 1870 and the agreements made in pursuance thereof the supplying authority may by agreement with the Soothill Upper and Thornhill Local Boards or either of them supply in bulk to such local boards or local board such quantity of water as they may from time to time require over and above the maximum of one million gallons per day authorised by the said section 11 but the said local boards or either of them shall not at any time take from the supplying authority any water so long as they are receiving from the Corporation of Halifax less than the said maximum.

10. The following provisions for the protection of the London and North-western Railway Company (herein-after called the railway company) shall be in force and have effect and be binding on the Waterworks Board the corporation and the local board and any urban or other sanitary authority supplied with water under the powers contained in section 4 hereof who are herein-after severally and collectively included in the term "the undertakers" :—

For protec-
tion of the
London and
North-wes-
tern Rail-
way Com-
pany.

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In laying down and executing or in effecting the repairs (other than urgent repairs in case of accident) and renewals of any mains pipes or other works upon across over under or in any way affecting the railways now or hereafter belonging to or worked by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by any such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the undertakers who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations or works or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any bridge or level crossing the undertakers shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the undertakers by all and the same means as any simple contract debt is recoverable.

Adjustment
of differences
between
corporation
and local
board.

11. For the purpose of adjusting differences between the corporation and the local board the following provisions shall apply :—

The contract made between the corporation and the Soothill Nether Local Board for the supply of water shall as from the first day of August one thousand eight hundred and ninety be deemed to have been made between the Waterworks Board and the Soothill Nether Local Board and the water therefor shall be supplied and the profits arising therefrom shall be accounted for and applied accordingly :

The local board shall pay to the corporation the sum of fifty pounds per annum for five years as and for their share of the expenses incurred by the corporation in laying down mains and pipes for the purpose of supplying water to the Soothill

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Nether Local Board and the first of such payments shall be made on the first day of August one thousand eight hundred and ninety-one : A.D. 1890.
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In regard to the contract made between the corporation and the Ravensthorpe Local Board the benefit of that contract and any future contracts with that local board shall continue to belong to the corporation up to and including the maximum sum of one thousand pounds per annum and all receipts for water supply under the said contract or contracts beyond such maximum sum (and in arriving at such maximum sum the price shall be deemed to be taken at not less than sevenpence halfpenny per one thousand gallons) shall be deemed to be moneys of the Waterworks Board and shall be applied accordingly and all water supplied over and above the quantity of water which under the contract for the time being in force realises the said maximum sum shall be supplied by the Waterworks Board but until the Waterworks Board are prepared to give the supply of water to Ravensthorpe the corporation shall supply the same on having an equal quantity of water allowed to them by the Waterworks Board :

Except as herein-before in this section mentioned all contracts for the supply of water outside the present boundary of the borough of Dewsbury and the district of the Heckmondwike Local Board hereafter entered into by the corporation or by the local board shall in regard to the division of water and moneys be deemed to be contracts entered into by the Waterworks Board.

12. The powers conferred by section 12 (Regulations for preventing waste &c. of water) of the Dewsbury Improvement Act 1884 shall extend and apply to the district of the local board and that board may exercise the powers thereby conferred within their district and that section shall be read and apply as if the local board were substituted for the corporation and the district of the local board for the borough. Regulations for prevention of waste in Heckmondwike.

13. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Waterworks Board out of moneys they are authorised to raise under the Act of 1876 but only on precepts distinctly showing the purpose for which such moneys are raised Provided always that the corporation and the local board respectively shall have power to apply moneys they Costs of Act.

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A.D. 1890. may borrow under the Act of 1876 towards payment of such precepts and shall repay within fifteen years from the respective dates of borrowing any such moneys as regards the corporation in accordance with the provisions of section 213 of the Dewsbury Improvement Act 1884 and as regards the local board in accordance with the provisions of subsections (4) and (5) of section 234 of the Public Health Act 1875.

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