



CHAPTER cxxxiv.

An Act to empower the Northallerton Local Board to make
Waterworks and supply Water and for other purposes. A.D. 1891.

[21st July 1891.]

WHEREAS the district of Northallerton in the north riding of the county of York is governed for local purposes by the Northallerton Local Board (in this Act called "the Local Board"):

And whereas the present supply of water within the district of the Local Board (in this Act called "the district") and the neighbourhood is inadequate and it is expedient that the Local Board should be empowered to obtain a supply of water and construct works as in this Act provided and to supply water as well within their district as the adjoining townships of Brompton and Romanby:

And whereas it is expedient that the Local Board should be authorised to raise money by borrowing for the purposes of this Act:

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 water and water rights for and the execution of the waterworks by this Act authorised and such estimates amount to thirteen thousand five hundred pounds:

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section 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 fourth day of December one thousand eight hundred and ninety after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Yorkshire Herald" a local paper 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

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And whereas such resolution was published twice in the said "Yorkshire Herald" a newspaper circulating in the district 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 fifth day of February one thousand eight hundred and ninety-one being not less than fourteen days after the deposit of the Bill in Parliament :

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

And whereas plans and sections describing the line situation and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the clerk of the peace for the north 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 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) :—

Short title.

1. This Act may be cited as the Northallerton Waterworks Act 1891.

Incorporation of
general Acts.

2. The following enactments namely :—

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except 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 the forty-fourth section thereof) ;

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands ;

so far as the same respectively are applicable for the purposes of and not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act: A.D. 1891.

But the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands incorporated with this Act shall apply only to the construction of the reservoir at Oakdale by this Act authorised.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— Interpreta-
tion.

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

“Water revenue” means all moneys received by the Local Board in respect of water supply on revenue account;

“The water undertaking” means the waterworks mains and pipes of the Local Board and includes the waterworks mains and pipes by this Act authorised to be constructed or laid by the Local Board and the lands and water rights acquired for the purposes thereof;

“The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;

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:

For the purposes of this Act in enactments incorporated with this Act—

“The undertakers” or “the company” means the Local Board: In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

“The railway” means the reservoir at Oakdale by this Act authorised to be constructed;

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

In this Act and for the purposes of this Act in enactments incorporated herewith—

“Superior courts” or “court of competent jurisdiction” or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a

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simple contract debt and not a debt or demand created by statute.

Act to be
executed by
Local Board.

4. This Act may be carried into execution 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 Public Health Acts are expressly varied or otherwise provided for by this Act.

Power to
take water.

5. Subject to the provisions of this Act the Local Board may take collect impound use divert and appropriate for the purposes of their water undertaking the water of the streams or springs known as the Oak Dale Stream and Slape Stones Beck and their respective tributaries so far as they are marked on the deposited plans as intended to be intercepted and all other springs and waters upon under or arising in or flowing through any of the lands which the Local Board are authorised to purchase or take under the provisions of this Act and the Local Board may divert such waters into their reservoirs and works described in and authorised by this Act but nothing in this Act shall authorise the Local Board to take or appropriate for the purposes of water supply through or into the collecting tank or reservoir (Work No. 2) by this Act authorised or otherwise any greater quantity of water than one hundred and twenty thousand gallons per day.

Power to
make water-
works.

6. Subject to the provisions of this Act the Local Board may make and maintain in the line and situation and upon the lands delineated on the deposited plans and according to the levels shown on the deposited sections all or any of the works shown on the deposited plans among which are the following principal works and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for the purpose.

The following are the said principal works :—

Work No. 1.—An aqueduct or line of pipes commencing in Jenny Brewster's Moor in the township of Osmotherley and parish of Osmotherley at Jenny Brewster's Spring and terminating in the township of Thimbleby and parish of Osmotherley at the tank or reservoir next herein-after described ;

Work No. 2.—A collecting tank or reservoir in the said township of Thimbleby situate at the termination of the aqueduct or line

of pipes lastly herein-before described in a wood known as Big Wood near the farmhouse called Oakdale ; A.D. 1891.

Work No. 3.—An aqueduct or line of pipes commencing at the above-mentioned tank or reservoir passing thence in the said township and in the township and parish of Kirkby Sigston and terminating in the township and parish of Northallerton at the service reservoir next hereafter described ;

Work No. 4.—A service reservoir in the said township and parish of Northallerton in a field near the Fox and Hounds Inn at Bullamoor ;

Work No. 5.—An aqueduct or line of pipes wholly in the said township and parish of Northallerton commencing at the last-mentioned reservoir and terminating in the town of Northallerton at the junction of the road from Northallerton to Bullamoor with the Back Lane ;

Work No. 6.—A reservoir situate at Oakdale partly in the said township of Osmotherley and partly in the said township of Thimbleby in the parish of Osmotherley to be formed by means of an embankment across the valley of the brook called Oakdale Beck eleven and a half chains or thereabouts westward of the confluence of the said beck and Slape Stones Beck such reservoir to extend along the said valley from the said embankment in an easterly direction to the confluence of the said two becks and along the valleys of the said two becks respectively for a further distance in each case of about three chains ;

together with all such filtering beds tanks engines wells drifts channels pipes culverts and other works as they may find requisite.

7. In order to provide for carrying across the Slapestones Beck near the north-eastern corner of the Oakdale reservoir (Work No. 6) by this Act authorised the footpath and cart road shown on the deposited plans the Local Board shall before utilising any part of the site thereof for the purpose of the reservoir by this Act authorised raise the said cart road footpath and approaches by a bridge or culvert so constructed as to admit of the waters of the Slapestones Beck passing under the same The approaches to the said cart road shall not be steeper on either side than one in twenty and the surface of the said road shall be at least five feet above the top-water level of the said reservoir and shall be so constructed as to leave not less than thirty-six square feet of waterway under and through the said bridge above the level of the top-water line of the said reservoir and the said road shall not in any part be diverted to a greater extent than four chains to the northward of the present cart road.

For protection of a certain cart road and footpath.

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Power to
deviate.

8. In constructing the waterworks by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and in the case of any aqueduct conduit or line of pipe placed underground beyond those limits with the consent of the persons through whose land such deviation is proposed to be made and 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 from the levels shown on the deposited sections to any extent not exceeding (except as hereafter specified) three feet upwards and seven feet downwards in the case of the reservoirs and five feet upwards or downwards in respect of the other works. The Local Board shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown in each case on the deposited sections. Notwithstanding anything in this section the embankment of the Oakdale reservoir (herein-before described as Work No. 6) shall be raised above the level shown on the said sections to such an extent as may be necessary to increase the capacity of the said reservoir to fifteen million gallons.

Power to
purchase
additional
lands for
waterworks
purposes.

9. The Local Board in addition to the lands they are authorised to take under the compulsory powers of this Act may from time to time by agreement purchase and hold for the purposes of their water undertaking any land not exceeding in the whole five acres but the Local Board shall not deal with such land so as to create a nuisance or use such land for any building purpose unconnected with their waterworks.

Persons
authorised to
convey land
may grant
easements.

10. The persons by the Lands Clauses Acts authorised to sell and convey or release lands may by agreement and subject to the provisions of those Acts grant to the Local Board for the purposes of this Act any easement (not being an easement of water) right or privilege in over or affecting the lands by this Act authorised to be taken and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same respectively are applicable in that behalf shall extend and apply to such easements rights and privileges as aforesaid and to rentcharges reserved by grants of easements respectively.

Period for
compulsory
purchase of
lands.

11. The powers by this Act granted to the Local Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

12. The Local Board shall not under the powers of this Act purchase or acquire 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.

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Restriction
on taking
houses of
labouring
class.

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.

13. The waterworks hereby authorised shall be completed within five years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this Act contained shall restrict the Local Board from extending enlarging altering or removing any of their tanks filters and engines machinery mains or pipes at any time or from time to time as occasion requires or from increasing at any time the height of the embankment of the said Oakdale reservoir as authorised by this Act.

Period for
completion
of works.

14. The district within which the Local Board may supply water for the purposes of this Act shall extend to and include the townships of Brompton and Romanby in the parish of Northallerton as well as the district of the Local Board. Provided that if the Local Board have not at the expiration of three years from the passing of this Act made provision for the supply of water throughout the said townships the restriction imposed by section 52 of the Public Health Act 1875 on the construction of waterworks by the local authority (as defined by that Act) within such townships shall cease to apply and for the purposes of that section the Local Board shall be deemed to be a water company.

District of
supply.

15. The Local Board shall if required by the Northallerton Rural Sanitary Authority sell to such sanitary authority all pipes fittings and other apparatus belonging to the Local Board for or connected with the distribution of water within the townships of Brompton and Romanby which shall at such time be laid in such townships respectively excepting all such pipes mains and other works required and used or that may be required and used for supplying

Local Board
when so re-
quired to sell
pipes &c.
outside the
district.

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and conveying water into and for any other part of the area for the time being included within the limits of supply of the Local Board at such price and upon and subject to such terms and conditions as may be settled by agreement between the Local Board and such sanitary authority or failing agreement as may be determined by an arbitrator to be appointed for such purpose by the Local Government Board on the application of either party and after such sale the powers and obligations of the Local Board to supply water otherwise than by agreement within the district of such sanitary authority shall cease. Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 within the meaning of that Act.

As to water
supply to the
North-
eastern
Railway
Company.

16. Notwithstanding anything in this Act or in the Thirsk and District Water Order 1879 the Thirsk District Water Company Limited (herein-after called "the Thirsk Company") shall be entitled to continue to supply water to the North-eastern Railway Company (herein-after called "the railway company") within the district of supply of the Local Board until such time as the Local Board have proved to the reasonable satisfaction of the railway company that they are able and willing to supply permanently as much suitable water as the railway company require at a price not exceeding the price paid by the railway company to the Thirsk Company during the year one thousand eight hundred and ninety. And if at any time thereafter the Local Board shall become unable or fail to afford such supply at such price as aforesaid it shall be lawful for the Thirsk Company again to supply the railway company as before the passing of this Act.

For protec-
tion of
North-
eastern
Railway.

17. The Local Board may (if necessary) carry any main or pipe under or across the railway of the North-eastern Railway Company where crossed by any public street on the level but any main or pipe exceeding six inches internal diameter carried under the railway shall if so required by the engineer of the railway company be carried thereunder in a culvert or casing pipe of sufficient dimensions to admit of the repair or relaying of the main or pipe without interference with the railway and the laying down and subsequently repairing or reinstating of any main pipe or other culvert and of any other work of the Local Board over under or affecting the railway or property of the North-eastern Railway Company shall be executed by and at the expense of the Local Board at such times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and when required by him

in accordance with plans and specifications previously submitted to and approved by him. All mains pipes and other work shall be laid down, executed, maintained, repaired, and used so that the traffic on the railway shall not be in anywise impeded.

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If by reason or in consequence of any act or work of the Local Board or the laying down, relaying, maintenance, use, want of repair, failure, or bursting of any pipe of the Local Board or during the laying down or repair thereof or otherwise the railway company or their railway or any work connected therewith or the traffic thereon shall be damaged, injured, or impeded, the Local Board shall forthwith at their own expense make good the same or compensate the railway company for any loss, damage, injury, or expense they may sustain or incur thereby.

18. As full compensation to all persons interested for the taking of such waters as are by this Act authorised to be taken, used, and appropriated by the Local Board for the purposes of their water undertaking, the following provisions shall have effect:—

As to compensation water.

- (1) The Local Board shall not supply water until the Oakdale reservoir (Work No. 6) by this Act authorised shall be constructed of a capacity of fifteen million gallons and there is being discharged into Oak Dale one hundred and twenty thousand gallons of water per day or such less quantity as shall be sufficient to make up the water therein and in the Slapestones Beck to the average flow ascertained as herein-after provided.
- (2) The Local Board shall construct and ever after maintain suitable measuring gauges as follows:—
 - i. A gauge at the east end of the collecting tank in the Big Wood at Thimbleby to show the actual quantity of water taken and diverted to the collecting tank;
 - ii. A gauge at or near the western end of the Oakdale reservoir to measure the flow of water of the Oakdale and Slapestones Beck;
 - iii. A second gauge at or near the western end of the said reservoir to measure the water discharged therefrom.
- (3) A record of the quantity of water from time to time delivered from the said reservoir as aforesaid shall be kept by the Local Board at the offices of the said Local Board and shall be open to the inspection of all persons interested in the waters which the Local Board are by this Act authorised to appropriate.
- (4) Whenever the flow of water from the Oakdale and Slapestones Beck combined including any overflow from any of the works of the Local Board shall in any day of twenty-four hours

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fall below the quantity ascertained by measurement at the gauge herein-after mentioned to be the average daily flow during the months of May June July and August the Local Board shall not be entitled to take any water into the Oakdale reservoir but all such water shall be allowed to pass into the Oakdale and the Local Board shall allow a sufficient quantity of water to flow from the said Oakdale reservoir to make up a continuous flow of not less than such average daily flow in every day of twenty-four hours Provided that the Local Board shall not be required in any one day of twenty-four hours to send down from the said Oakdale reservoir any greater quantity of water than shall on the same day be collected in the collecting tank as measured by the gauge firstly herein-before described.

- (5) For the purpose of ascertaining such average daily flow the Local Board shall also construct a gauge near the confluence of the Oakdale and Slapestones Beck which they shall maintain until the thirty-first day of August one thousand eight hundred and ninety-four.
- (6) The said gauges shall be open to the inspection and examination of the owners lessees and occupiers for the time being of the several present and future mills works and navigations interested in the said water.
- (7) The Local Board shall not collect or appropriate any water in the said collecting tank from the Oakdale or the tributaries thereof if and so long as they fail to maintain such supply as directed by this section.
- (8) In case the Local Board shall fail to discharge the quantity of water required by this Act as aforesaid to be discharged into the Oak Dale the Local Board shall for every day on which such failure shall occur forfeit and pay by way of penalty to the owner or owners lessee or lessees and occupier or occupiers of any mill manufactory or other works actually in operation on the Oak Dale or Cod Beck the sum of five pounds such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by the Waterworks Clauses Act 1847.
- (9) If any difference shall arise between the Local Board and any person interested with respect to the construction or use of the said gauges such difference shall be settled and determined by a water engineer to be nominated (unless otherwise agreed on between the parties in difference) on the application of either party (after seven days notice in writing to the other of them)

by the Board of Trade and the costs of and incident to the investigation and determination shall be borne as the said engineer shall direct. A.D. 1891.

- (10) The provisions of this section shall be accepted and taken by all persons interested in the waters of Oakdale and Slapestones Beck as full compensation for the waters which can be taken appropriated and used as aforesaid under the powers of this Act.
- (11) For the purpose of this section the average flow for the months of May June July and August shall be deemed and taken to be the average flow during those months in the years one thousand eight hundred and ninety-two one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four ascertained by measurement as herein-before directed:

Provided that if the said works are completed before the thirty-first day of August one thousand eight hundred and ninety-four then for the purpose of regulating the compensation water to be provided under this section during the period between the completion of the works and the said thirty-first day of August one thousand eight hundred and ninety-four the average daily flow shall be deemed and taken during that period to be the average daily flow ascertained as aforesaid for the said months in such of the said years as shall have then elapsed.

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

Byelaws for preventing waste &c. of water.

- (1) The Local Board may from time to time make byelaws as to the construction and use of water fittings Provided always that any such byelaws shall be subject to the approval of the Local Government Board.
- (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 alteration and repair of pipes valves cocks tanks cisterns 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 water-closet or other apparatus or receptacle in their judgment likely to occasion waste misuse undue consumption erroneous measurement or contamination of water:

No such byelaws shall be of any force or effect except within such part or parts of the district as the Local Board are for

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the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure.

- (3) In case of the failure of any person to observe any byelaws for the time being in force under this Act 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 repair 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 rates are recoverable.
- (4) A printed copy of the byelaws purporting to have been made as aforesaid by the Local Board and to be sealed with the seal of the Local Board shall be taken to be proof of the due making publication and existence of such byelaws until the contrary be shown and any person who shall offend against any such byelaws shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which such offence shall occur after conviction therefor.
- (5) Subject to the provisions of this section sections 182 184 and 185 of the Public Health Act 1875 shall mutatis mutandis extend and apply to and in relation to the making of such byelaws.

Power for
Local Board
to supply
pipes &c.

20. The Local Board may if requested by any person supplied or about to be supplied by them with water furnish to him any such pipes valves cocks cisterns soil-pans waterclosets apparatus and receptacles as are required for the purposes of such supply and from time to time repair or alter the same and may provide all materials and do all work necessary or proper in that behalf and the costs of providing such materials and executing such works shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the water rates or rents.

Public
drinking
fountains.

21. The Local Board may from time to time when and as they think expedient 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 (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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22. The Local Board may demand and take for the supply of water for domestic purposes to any premises within their district of supply any rates and charges not exceeding the rates and charges following (that is to say) :—

Rates for
supply of
water.

Where the rateable value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings ;

Where such rateable value shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds ;

Where such rateable value shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding six pounds ten shillings ;

Where such rateable value shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ;

Where such rateable value shall exceed eighty pounds at a rate per centum per annum not exceeding five pounds ten shillings :
Provided always that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eightpence in any one year for any dwelling-house or part of a dwelling-house separately assessed to the rate for the relief of the poor :

Provided also that the Local Board shall not be entitled in any case to demand for the water rate for any premises included in any division of the above scale a greater sum of money than they would be entitled to demand if such premises were of just sufficient rateable value to bring them within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable.

23. In addition to the rates computed as before specified the Local Board may charge for every watercloset in any house or premises beyond one watercloset any sum not exceeding seven shillings and sixpence and for every bath supplied with water in or belonging to any house any sum not exceeding fifteen shillings per annum and the Local Board shall not be obliged to supply with water any bath capable of containing more than fifty gallons.

Charges for
waterclosets
and private
baths.

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Definition of
rateable
value.

24. For the purposes of this Act the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter for the parish or township in which the water rate accrues :

Provided that where the water rate is chargeable on the rateable value of a part only of any property entered in the valuation list the rateable value of such part shall be ascertained by a fair apportionment of the rateable value of the whole property the apportionment in case of dispute to be determined in manner provided by the sixty-eighth section of the Waterworks Clauses Act 1847 :

Provided also that if there shall be no valuation list in force at the time the owner or occupier of such dwelling-house or part of such dwelling-house shall demand a supply of water the Local Board may for the purposes of their water rate estimate the rateable value of such premises but on the assessment of such premises for poor rate purposes being entered in the valuation list the charge shall be adjusted accordingly.

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

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

Supply to
houses partly
used for
trade &c.

26. The Local Board shall not be bound to supply with water otherwise than by measure any building used as a dwelling-house whereof any part is used for any profession or business or any part is used as a warehouse or for any trade or manufacturing purpose for which water is required.

Power to
borrow.

27. 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 the purchase of land therefor and other the purposes of their water undertaking incidental thereto such sums as they shall think fit not exceeding in the whole the sum of fourteen 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) such further sum or sums as the said Board may authorise;

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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.

28. Sections 236 to 239 (both inclusive) of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

29. 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.

30. 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.

31. The Local Board shall pay off all moneys borrowed by them under this Act for the expenses of this Act within fifteen 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 sixty years from the time or respective times of borrowing the same as the Local Government Board may prescribe.

Period for discharge of borrowed moneys.

32. 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.

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Power to
reborrow.

33. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property they may from time to time reborrow the same but all moneys so reborrowed 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 reborrowing.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

34. 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 1875 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 The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Application
of money
borrowed.

35. All moneys borrowed by the Local Board under this Act shall be applied only to purposes for which they are by this Act

respectively authorised to be raised and to which capital is properly applicable. A.D. 1891.

36. 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.

37. No notice of any trust expressed implied or constructive in respect of any mortgage or security of the Local Board granted or issued for the purposes of this Act shall be entered on the register or books of the Local Board or be receivable by the Local Board or their officers or shall affect the Local Board. Local Board not to regard trusts.

38. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the 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. Saving for existing charges.

39. 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;

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 under this Act;

In making such extensions of water mains and works as they from time to time think requisite;

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

40. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable Audit of accounts.

A.D. 1891. shall apply to the accounts of the Local Board under the preceding section of this Act and to the audit of such accounts.

Deficiency
in water
account to be
made good
out of dis-
trict rate.

41. If in any year the revenue of the Local Board in respect of their water undertaking be insufficient for the purposes to which it is herein-before made applicable 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 this Act 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 afore-said in the water account and shall collect the same as part of such general district rate.

Application
of moneys
from sale &c.
of lands.

42. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Expenses of
Act.

43. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Local Board out of the general district rate or out of moneys to be borrowed by the Local Board under this Act.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C. ; or
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