



CHAPTER xxvii.

An Act for the granting of further powers to the Fylde Waterworks Company and for other purposes. A.D. 1896.

[21st May 1896.]

WHEREAS the Fylde Waterworks Company (in this Act called "the Company") were incorporated by the Fylde Waterworks Act 1861 and acting under the powers of that Act the Fylde Waterworks Act 1870 the Fylde Waterworks Act 1874 the Fylde Waterworks Act 1881 the Fylde Waterworks Act 1888 and the Fylde Water Act 1891 (which Acts are in this Act referred to collectively as "the former Acts" and each of them separately as an Act of the year in which the same was passed) the Company have constructed an extensive system of waterworks whereby they supply with water the borough of Blackpool and various parishes townships and places in the county palatine of Lancaster :

24 & 25 Vict.
c. cliv.
33 & 34 Vict.
c. xix.
37 & 38 Vict.
c. xxxvii.
44 & 45 Vict.
c. xxxii.
51 Vict. c. i.
54 & 55 Vict.
c. lxxxiii.

And whereas in view of the increasing population and demand for water within the said limits for the supply of water by the Company it is expedient that the Company be empowered to construct an additional aqueduct conduit or line of pipes for conveying water thereto :

And whereas it is expedient that the limits within which the Company are authorised to supply water should be extended :

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the powers of the Company be enlarged and that the former Acts be extended and amended :

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

And whereas plans and sections showing the line situation and levels of the work authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required

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or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after 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 Fylde Water Act 1896.

Incorporation of general Acts.

2. The following Acts and parts of Acts namely :—

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing such portion of the aqueduct conduit or line of pipes by this Act authorised as is to be made in tunnel) ; and

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of such Acts "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" ;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act :

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to

debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpreta-
tion.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings. And in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

“Superior courts” or “court of competent jurisdiction” or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” respectively mean the said portions of aqueduct conduit and line of pipes by this Act authorised.

Extension
of limits
of water
supply.

4. The limits within which the Company may supply water are hereby extended so as to include the following townships in the county of Lancaster (herein-after referred to as “the additional limits”) (that is to say):—

The township of Myerscough in the parish of Lancaster the township of Cockerham in the parish of Cockerham and the township of Forton in the parishes of Cockerham and Garstang:

And for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations as they now have and may exercise or are subject to under the provisions of the former Acts and the provisions of the former Acts so far as the same are respectively in force at the passing of this Act shall subject to the provisions of this Act extend and apply to the additional limits and the supply of water thereto:

Provided that if at any time after the expiration of four years from the commencement of this Act the Company are not furnishing a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the additional limits the local authority of such district may provide a supply in the whole or any part of their district within the additional limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied

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by the Company as if in either case there were no Company authorised by this Act to supply water therein :

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Power to
construct
works.

5. Subject to the provisions of this Act the Company in the line and situation and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the county palatine of Lancaster the aqueduct conduit line of pipes and other works shown on the deposited plans among which are the following principal works (that is to say) :—

An aqueduct culvert conduit or line of pipes commencing in and out of the filter beds of the Company in the township of Barnacre-with-Bonds in the parish of Garstang and terminating in the township of Blackpool in the parish of Bispham in the public highway in front of the "Gynn Inn."

Power to
make subsi-
diary works.

6. The Company in addition to the foregoing works may from time to time upon any lands acquired or to be acquired by them make and maintain all such cuts channels aqueducts culverts conduits tunnels drains sluices overflows waste-water channels by-washes outlets gauges wells tanks banks walls bridges piers abutments approaches machinery and appliances as may be necessary or convenient in connexion with the before-mentioned work but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to
take lands.

7. Subject to the provisions of this Act the Company 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 purposes of this Act.

Authorising
dealings with
property of
the Duchy of
Lancaster.

8. With respect to any land which may be required by the Company for the purposes of this Act and which may belong or may be held of any honor manor or lordship belonging to Her Majesty in right of the Duchy of Lancaster the following provisions shall have effect :—

(1) Sections 1 and 2 of the Duchy of Lancaster Lands Act 1855 shall extend and apply to any land which may be so required and may so belong and to the purchase moneys payable by the Company in respect of the sale of such land :

(2) Sections 6 7 8 12 and 13 of the Act 19 George 3rd cap. 45 shall extend and apply to land which may be so required and

may be held of any honor manor or lordship so belonging so as to authorise the enfranchisement to the Company of such land or the release to the Company of the fines heriots reliefs quit-rents dues payments suits and services to which the same may be subject or liable and shall extend and apply to the moneys payable by the Company in respect of such enfranchisement or release:

- (3) Every sale enfranchisement or release under this section shall be subject to any lease tenancy estate interest right or easement which does not belong to Her Majesty in the right aforesaid and which affects the land sold or the honor manor or lordship of which the land enfranchised or released is held:
- (4) On the sale enfranchisement or release of any land under this section the chancellor and council of the said duchy may agree with the Company and other necessary parties for—
- (a) The apportionment of the rent or of the fines heriots quit-rents dues payments suits and services payable in respect of or chargeable upon such land;
 - (b) The working by Her Majesty or Her lessees of any mines minerals or quarries in under upon or near such land;
 - (c) The reservation to Her Majesty of any rights or easements over or through such land;
 - (d) The execution by the Company of any accommodation or other works for the benefit of any other neighbouring land belonging to Her Majesty in the right aforesaid:
- (5) Subject to any agreement between the said chancellor and council with the Company nothing contained in this Act or in any assurance made by Her Majesty in the right aforesaid in pursuance of this section shall operate to prevent Her Majesty or Her lessees from working any mines minerals or quarries in under upon or near to any land belonging to Her Majesty in the right aforesaid and taken by the Company for the purposes of this Act or to render Her Majesty or Her lessees liable for any injury to the works of the Company occasioned by such working or to empower the Company to work any mines minerals or quarries in under or upon the land so taken by the Company except so far as may be necessary in executing the works authorised by this Act.

9. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually

As to future accretions.

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or imperceptibly or otherwise) the Company shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser had been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

For protec-
tion of cor-
poration of
Manchester.

10. For the protection of the mayor aldermen and citizens of the city of Manchester (in this section referred to as "the corporation") the following provisions shall have effect (that is to say):—

- (1) Nothing in this Act shall alter diminish prejudice take away or interfere with any rights powers or authorities of the corporation under the Manchester Corporation Waterworks Act 1879 or any Act amending or extending the same with reference to the construction alteration improvement main-tenance or use of the aqueduct from Lake Thirlmere authorised by the said Act of 1879 or the works connected therewith:
- (2) Notwithstanding anything contained in this Act the Company shall not acquire any interest in any lands within the limits of deviation shown on the deposited plans referred to in the said Act of 1879 prejudicial to or inconsistent with any right or ease-ment in such lands acquired by the Manchester Corporation for the purposes of the said aqueduct from Lake Thirlmere:
- (3) Nothing in this Act contained shall prejudice or affect the rights of any authority under the provisions of the 81st and 82nd sections of the Manchester Corporation Waterworks Act 1879.

For the pro-
tection of
the cor-
poration of
Blackpool.

11. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Blackpool (in this section called "the corporation") shall unless otherwise agreed in writing between the corporation and the Company apply and have effect:—

- (1) So much of the aqueduct culvert conduit or line of pipes by this Act authorised as shall be constructed in Warbrick Road in Blackpool shall be constructed in the line shown on the plan signed by Jeremiah Wolstenholme the engineer of the corpora-tion and Edward Garlick the engineer of the Company and shall be constructed under the superintendence of the engineer for the time being of the corporation:
- (2) The Company shall not except by agreement enter upon or take any of the lands numbered 491 505 519 520 521 524 525 526 and 527 on the deposited plans in the township of Blackpool.

12. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and ten feet downwards but not so as to raise the aqueduct culvert or conduit above the surface of the ground unless so shown on the plans or sections and then only to the extent so shown :

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Limits of
deviation.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

13. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Works
below high-
water mark
not to be
commenced
without
consent of
Board of
Trade.

14.—(A) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for the county palatine of Lancaster for repairing altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein which may be crossed by any of the mains pipes or other works of the Company but all such rights powers and authorities shall remain in as full force as if this Act had not passed and the said county council shall not be liable to make any compensation whatever for any damage or injury to the Company by the altering or rebuilding of any such bridge or the lengths of roadway adjacent thereto unless such damage or injury shall be caused by or arise from the

For the pro-
tection of
the county
council of
Lancashire.

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(B) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any main pipe or other work of the Company is laid be altered or rebuilt by the said county council and such alteration or rebuilding shall necessitate the raising sinking or otherwise altering of any of the mains pipes or other works of the Company which shall be placed along any such bridge or main road within the jurisdiction of the said county council the Company shall at their own expense within a reasonable time after being required so to do by notice in writing under the hand of the clerk of the said county council raise sink or alter the same and in default thereof the said county council or their surveyor or any other person acting by their order or under their authority may raise sink or alter the same and the reasonable expenses thereby incurred shall be paid by the Company.

(c) Any difference which may arise between the said county council and the Company under this section shall be referred to an arbitrator to be agreed upon by the parties or to be appointed for that purpose by the Board of Trade upon the application of either party and the costs of and incident to the arbitration shall be borne and paid as the arbitrator shall direct.

For the protection of the London and North Western Railway Company.

15. The following provisions for the protection of the London and North Western Railway Company (herein-after called "the railway company") shall have full force and effect and be binding upon the Company and their assigns:—

- (1) In constructing or laying the aqueduct conduit or line of pipes under the Lancaster and Carlisle Railway of the railway company and under their Lancaster Canal as also in effecting the maintenance repairs and renewals of such aqueduct conduit or line of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans sections and specifications to be submitted to and approved by him before any such works are commenced and all such works shall be

executed by and in all things at the expense of the Company and so as not to cause any injury to such railway or canal or interruption to the passage or conduct of the traffic over such railway or canal and if any such injury shall arise to such railway or canal or interruption to such traffic the Company shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation to be recoverable from the Company by the railway company together with full costs by all and the same means as any simple contract debt is recoverable :

- (2) The said aqueduct conduit or line of pipes shall for its entire length across the said railway and canal and for twenty-five feet on each side of the said railway and canal be of such materials dimensions quality and thickness as such engineer shall in writing reasonably require :
- (3) The Company shall not (except with the previous consent of the railway company under their common seal) purchase or acquire any lands or property of the railway company but the Company may purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of the lands of the railway company as may be necessary for the crossing of the aqueduct conduit or line of pipes under the lands and property of the railway company :
- (4) In laying down executing or in effecting the repairs alterations or renewals of any mains pipes or other works upon across over under or in any way affecting the railways canals lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations wharves basins or other works of 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 such plans sections and specifications to be submitted to and in such manner as shall be previously approved by him and in all things by and at the expense of the Company who shall also restore and make good the roads over any such bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railway canal bridges approaches viaducts stations wharves basins works lands or property or interruption to the passage or conduct of traffic over such railway and canal or at any stations wharves or basins thereon

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and if any such 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 the Company shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable and the Company shall also make good and repay to the railway 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 aqueducts or pipes and will indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction or failure.

For the protection of the Lancashire and Yorkshire and London and North Western Railway Companies.

16. The following provisions for the protection of the Lancashire and Yorkshire and London and North Western Railway Companies (in this section called "the two companies") shall (unless otherwise agreed between the Company and the two companies) have full force and effect and be binding upon the Company and their assigns:—

- (1) In constructing or laying the aqueduct conduit or line of pipes under the Blackpool Branch Railway and over the main line of the Preston and Wyre Railway of the two companies as also in effecting the maintenance repairs and renewals of such aqueduct conduit or line of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the two companies and according to plans sections and specifications to be submitted to and approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Company and so as not to cause any injury to such railway or interruption to the passage or conduct of the traffic over such railway and if any such injury shall arise to such railway or interruption to such traffic the Company shall make full compensation to the two companies in respect of such injury or interruption the amount of such compensation to be recoverable from the Company by the two companies together with full costs by all and the same means as any simple contract debt is recoverable:
- (2) The said aqueduct conduit or line of pipes shall for its entire length under the said Blackpool Branch Railway and for twenty-five feet on each side of the said railway be laid in a culvert of not less than six feet diameter and of such materials quality and thickness as such engineer shall in writing reasonably require:

(3) The Company shall construct the piers for carrying the said aqueduct conduit or line of pipes and the trough herein-after referred to over the main line of the Preston and Wyre Railway of the two companies in such situations as shall be reasonably required by the said engineer but so as not to increase or diminish the total span of the openings shown on the deposited sections between the said piers and shall leave and at all times maintain a clear headway throughout between the underside of the trough and the level of the rails of fourteen feet six inches :

(4) The said aqueduct conduit or line of pipes where it crosses over the said main line and for ten yards on each side thereof shall be carried in an iron trough such trough being made water tight and so constructed as to carry away all water which may at any time escape from the said aqueduct conduit or line of pipes clear of the railway works and property of the two companies :

(5) The Company shall not (except with the previous consent of the two companies under their respective common seals) purchase or acquire any lands or property of the two companies but the Company may purchase and take and the two companies shall sell and grant accordingly an easement or right of using so much of the lands of the two companies as may be necessary for the crossing of the aqueduct conduit or line of pipes under and over the lands and property of the two companies.

17. The Company may in lieu of acquiring any lands for the purpose of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying the conduit or pipe underground the

Company may acquire easements only in certain lands.

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Company shall not (unless they give notice to treat for and acquire such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Owners may
be required
to sell parts
only of
certain
lands and
buildings.

18. And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them

and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice :

Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :

Provided also that the provisions of this section shall not extend or apply to or in relation to any of the buildings constituting Holts Farm in the township of Poulton-le-Fylde :

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

19. The powers of the Company 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 thereof.

Period for compulsory purchase of lands.

20. The aqueduct conduit or line of pipes by this Act authorised shall be laid so as to admit of the passage of water therethrough and water shall be sent therethrough within the period of three years from the passing of this Act and the whole of the said work shall be completed within the period of four years from the passing of this Act and on the expiration of those respective periods the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus appliances aqueducts mains pipes or other works or plant at any time and from time to time as occasion may require.

Period for completion of work.

21. The Company may from time to time for the purposes of their undertaking acquire by agreement in fee simple in addition to lands which they are already authorised to hold under the powers of the former Acts or to take by compulsion under the powers of this Act any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder or thereover (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) but the Company shall not deal with such lands so as to create or permit the creation of a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Power to take additional lands by agreement.

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Power to
grant ease-
ments.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Sale of
superfluous
lands.

23. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction
on taking
houses of
labouring
class.

24.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means and 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.

As to
filtering.

25. The Company shall effectually filter all water before the same shall be put into their pipes for distribution and shall forthwith proceed to execute and after execution thereof shall for ever maintain such further filter beds or other works in addition to those prescribed

by the Act of 1891 as may be necessary for the purpose aforesaid and all the provisions of section 5 of the Act of 1891 with respect to the settlement of differences and penalties in case of default shall accordingly apply to the provisions of this section.

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26. The Company shall supply water for sanitary purposes to any urban district council at a rate not exceeding sixpence per one thousand gallons.

Price of water for sanitary purposes.

27. No person shall without the previous consent in writing of the Company use or permit to be used or affix or permit to be affixed to any main or pipe of the Company or to any water pipe or tap in or belonging to any premises supplied with water by the Company any pipe tube or hose for the purpose of washing windows or the outside of any premises or any footway or roadway adjacent thereto or for any other purpose whatsoever and any person who shall contravene this enactment shall for every such offence be liable to a penalty not exceeding forty shillings without prejudice to the right of the Company to recover for any damage or loss sustained by any such contravention.

Prohibiting the use of hose pipe for washing windows &c.

28. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

Byelaws for preventing waste of water.

(1) The Company may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination :

(2) No such byelaws shall be of any force or effect except within such part or parts of the limits of supply which the Company for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall

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have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient :

- (3) All such byelaws shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :
- (6) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :
- (7) Any person who shall offend against any such byelaws shall without prejudice to any other right or remedy for the protection of the Company or punishment of the offender be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

29. Any byelaws which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the limits of supply to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply with water under constant pressure the part or parts of the limits of supply specified in the byelaws so confirmed.

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 Where bye-laws confirmed Company bound to supply water under constant pressure in parts of limits of supply specified in the byelaws.

30. The Company's agent or other officer duly appointed in writing for the purpose by the Company may without any previous notice between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water or about to be supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if he shall find that there is an actual waste of water owing to a breach of the Company's byelaws he may take such measures as may be reasonably necessary for preventing such waste and if such agent or other officer at any such time having produced his appointment be refused or unable to obtain admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier or if there be no such occupier the owner of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company's officer may enter buildings to inspect meters &c.

Section 48 (Cases in which water may be cut off) of the Act of 1861 is hereby repealed and section 46 (Regulations for supply of water) of that Act shall be repealed as from the date of the confirmation of the byelaws made under this Act for preventing waste of water.

31. Section 25 (For protection of the Preston and Wyre Railway harbour or dock) of the Act of 1861 is hereby repealed and the following provisions shall have effect:—

- (1) Section 21 (Waterworks authorised) of the Act of 1861 shall be read and construed as if the words "railways" and "canals" in sub-section 9 had not been inserted therein:
- (2) Any mains or pipes which the Company may lay down in or along any road highway street lane public place bridge or viaduct crossing the Preston and Wyre Railway (herein-after referred to as "the railway") either over under or on the level of the railway shall so far as they may affect the railway and except in case of emergency be laid down by the Company at such times as may be reasonably required by and under the

Repealing section 25 of the Act of 1861 and substituting other provisions for the protection of the Preston and Wyre Railway.

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direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the London and North Western and Lancashire and Yorkshire Railway Companies and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and reasonably approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Company shall be renewed and repaired in the same manner and under the like conditions. Provided that if the said engineer does not express his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof. Provided also that where any mains or pipes are required to be laid under or over any level crossing of the said railway the said railway companies may if they elect so to do themselves lay the said mains or pipes at the costs charges and expenses of the Company:

- (3) The said mains or pipes shall be so laid down maintained repaired and used by the Company as not to cause any damage or injury to or to impede the free and uninterrupted use of the railway and works:
- (4) The Company shall at all times keep the said railway companies and each of them indemnified against all damages losses expenses or injuries which they or either of them or the traffic on the railway may sustain or incur by reason or in consequence of the failure of any such mains or pipes as aforesaid:
- (5) If any difference should arise between the Company and the said railway companies or either of them touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed unless otherwise agreed on by the President of the Institution of Civil Engineers and the costs of such reference shall be borne as he shall direct.

Company
may raise
additional
capital.

32. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole one hundred and sixty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of

those modes which shares or stock shall for all purposes form part of the general capital of the Company : A.D. 1896.

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of one hundred and sixty thousand pounds.

33. The Company shall not issue any share created under the powers of this Act of less nominal value than ten pounds nor shall any such share or any stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. As to vesting of new shares &c.

34. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. Power to borrow in respect of additional capital.

35. Section 34 (Appointment of receiver) of the Fylde Waterworks Act 1891 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision. Repealing existing provisions as to receiver.

36. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. Appointment of receiver.

37. The following sections of the Act of 1891 (that is to say):— Certain sections of the Act of 1891 incorporated.

Section 24 (Votes in respect of new shares or stock);
Section 25 (Limit of dividend on new capital);

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Section 26 (Dividends on different classes of shares or stock to be paid proportionately);

Section 27 (New shares or stock to be offered by auction or tender);

Section 28 (Time for paying up shares or stock sold by auction);

Section 29 (Notice to be given as to sale &c. of shares or stock);

Section 30 (Shares or stock not sold by auction or by tender to be offered to shareholders);

Section 31 (Application of premium arising on issue of shares or stock);

Section 35 (Existing mortgages to have priority);

Section 36 (Debenture stock); and

Section 37 (As to conversion of borrowed money into capital) shall extend and apply mutatis mutandis to and in relation to the additional capital by this Act authorised to be raised and the money by this Act authorised to be borrowed by mortgage and debenture stock respectively:

Provided that section 29 of the Act of 1891 shall for the purposes of that Act and this Act be read and apply as if the words "to the town clerk of Blackpool and clerks to the several urban district councils within the Company's water limits and" were inserted in that section after the word "writing."

Auction provisions to apply to mortgages.

38. The provisions of the Act of 1891 respecting the disposal of additional capital by auction or tender and incorporated with this Act shall extend and apply mutatis mutandis not only to the additional capital by this Act authorised but also to the mortgages and debenture stock to be granted or issued by the Company under this or the former Acts.

Application of sums raised under this Act.

39. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing or by debenture stock shall be applied only to the purposes of this Act and to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Saving rights of the duchy of Lancaster.

40. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or

authority vested in or enjoyed or exercisable by Her Majesty Her heirs or successors in right of Her said duchy. A.D. 1896. —

41. All costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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SCHEDULE referred to in the foregoing Act.

Describing HOUSES BUILDINGS and MANUFACTORIES parts only of
which may be required.

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	257 264A 266 267 271 288 301
Little Eccleston with Larbreck -	313 316.
Singleton - - - -	348 350 376 379 383.
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