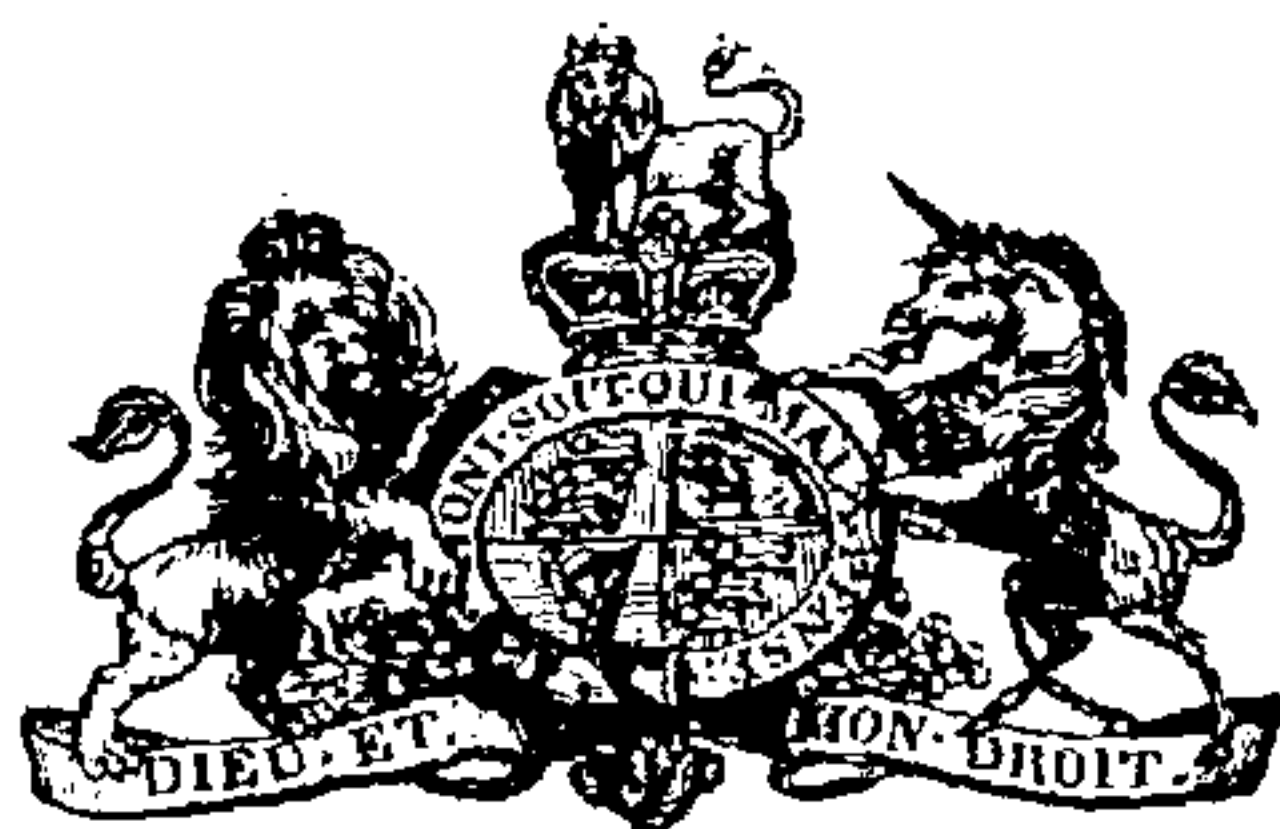


[60 & 61 VICT.] *Newark Corporation Waterworks* [Ch. clxxxiv.]
Act, 1897.



CHAPTER clxxxiv.

An Act to extend the powers of the mayor aldermen and burgesses of the borough of Newark with respect to their supply of water and for other purposes.

A.D. 1897.

[6th August 1897.]

WHEREAS under the powers of the Newark Corporation Act 1891 (in this Act called "the Act of 1891") the mayor aldermen and burgesses of the borough of Newark (in this Act called "the Corporation") purchased the undertaking of the Newark-upon-Trent Waterworks Company and constructed a well and pumping station in the parish of Farnsfield in the county of Nottingham and by means thereof supply with water the said borough and various adjacent parishes and places in the said county :

54 & 55 Vict.
c. cxxii.

And whereas the limits within which the Corporation were by the Act of 1891 authorised to supply water were extended by the Provisional Order for altering the Newark Corporation Act 1891 (in this Act called "the Order of 1893") confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1893 :

56 & 57 Vict.
c. cxv.

And whereas it is expedient that the Corporation be authorised to construct the additional waterworks herein-after described for the better supply of their area of supply :

And whereas it is expedient that the Corporation be authorised to borrow on the security of the revenue of their water undertaking and of the district fund and general district rate of the borough the moneys requisite for the purposes of this Act :

And whereas the Corporation have caused estimates to be prepared for the following purposes and the amounts thereof are as follows (that is to say) :—

For the purchase of land and the execution of the works by this Act authorised four thousand one hundred and sixteen pounds ;

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For new mains extensions of mains and machinery and for the completion of the works authorised by the Act of 1891 twelve thousand four hundred and thirty-two pounds :

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

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

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

And whereas such resolution was published once in the said newspaper and once in the Newark Herald a newspaper circulating in the borough 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 council at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

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

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers of this Act have been deposited with the clerk of the peace for the county of Nottingham and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

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

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the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the Newark Corporation Waterworks Act 1897.

2. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profits 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 44th section of that Act) ; and

The Waterworks Clauses Act 1863 ;

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

3. In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Act of 1891 or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings.

In construing sections 28 to 34 of the Waterworks Clauses Act 1847 for the purposes of this Act “the limits of the special Act” shall mean the limits of the Act of 1891 as extended by the Order of 1893.

4. This Act shall be carried into execution by the Corporation acting by the council.

5. Subject to the provisions of this Act the Corporation may wholly in the county of Nottingham and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works shown on the deposited plans and sections among which are the following principal works (that is to say) :—

(a) A line of pipes (No. 1) wholly in the parish of Farnsfield commencing in and out of the existing pumping station of the Corporation and terminating at the junction of Old Rufford Road and Baulker Lane :

(b) A line or lines of pipes (No. 2) wholly in the parish of Farnsfield commencing by a junction with the said line or lines of pipes (No. 1) at or near the junction of the Old Rufford Road and Baulker Lane and terminating in the service tank next herein-after described :

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(c) A service tank to be wholly situate within the said parish of Farnsfield in a certain field belonging or reputed to belong to the Ecclesiastical Commissioners and in the occupation of Jessie Millington and numbered 338 on the $\frac{1}{2500}$ Ordnance map of that parish.

Power to
make subsi-
diary works.

6. The Corporation in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such aqueducts culverts drains sluices bywashes filter-beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

7. In the construction of the works authorised by this Act the Corporation 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 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 in the case of the service tank three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards:

Provided that except for the purposes of crossing over a stream or a railway no part of the pipes shall be raised above the surface of the ground unless and except so far as is so shown on the deposited sections.

Period for
completion
of works.

8. If any works authorised by this Act are not completed within the period of five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Corporation 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 Corporation from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter-beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to
Corporation
to take
lands.

9. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the construction and maintenance of the works by this Act authorised.

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10. The Corporation may in lieu of acquiring any lands for the purposes of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of construction 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 Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation 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 Corporation for the purpose of laying the conduit or pipe underground the Corporation shall not (unless they purchase 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 Corporation.

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Corporation may acquire easements only in certain lands.

11. The powers of the Corporation 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.

Limitation of time for compulsory purchase of lands.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges 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.

Power to take easements &c. by agreement.

13. Subject to the provisions of this Act the Corporation may from time to time appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being

Corporation may use their own lands for

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A.D. 1897. part of their corporate estates Provided that this section shall not
purposes of be taken to dispense with the consent of the Local Government
Act. Board to any disposition of land in any case in which the consent of
that Board would have been required if this Act had not been
passed.

Restriction
on taking
houses of
labouring
class.

14.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any borough or other 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 of such persons who may be residing with them.

Sale of
superfluous
lands.

15. The Corporation 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 Corporation think fit any lands houses or other property for the time being held by the Corporation for the purposes of their water undertaking and which they do not require for the purposes of that undertaking and in any such sale or lease the Corporation 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 Corporation think fit.

Nothing in this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition of any lands of the Corporation in any case in which the consent of the Board would have been required if this Act had not been passed.

Power to
borrow.

16. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or which they may

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be authorised to borrow under the sanction of any Public Department of the State) borrow at interest the following sums for the following purposes :— A.D. 1897.

On the security of the water revenue and the district fund and general district rate—

- (1) For paying the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act the sums requisite for that purpose ;
- (2) For the purchase of land and the construction of the works by this Act authorised any sum or sums not exceeding four thousand one hundred and sixteen pounds ;
- (3) For new mains and extensions of mains and machinery and for the completion of the works authorised by the Act of 1891 any sum or sums not exceeding twelve thousand four hundred and thirty-two pounds :

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and reborrowing for the purposes of this Act shall not be restricted by any of the provisions of the Municipal Corporations Acts or of the Public Health Acts :

Provided the total amount which may be borrowed by the Corporation under the powers of this Act shall not exceed fifty thousand pounds.

17. The following sections of the Public Health Act 1875 (that is to say) :— Provision as to mortgages.

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ;

Section 239 (Receiver may be appointed in certain cases) ;

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

18. The following sections of the Act of 1891 (that is to say) :— Incorporating certain sections of Act of 1891.

Section 61 (Repayment of borrowed moneys) ;

Section 62 (As to sinking fund) ;

Section 63 (Power to reborrow) ;

Section 64 (Proceeds of sale of surplus lands) ;

Section 65 (Sinking funds may be adjusted in certain events) ;

Section 66 (Power to borrow under the Local Loans Act 1875) ;

Section 67 (Sinking funds how to be invested) ;

Section 68 (Protection of lenders from inquiry) ;

Section 69 (Priority of existing mortgages) ;

Section 71 (As to deficiency in receipts) ;

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Section 72 (Application of money borrowed) ;

Section 73 (Annual return to Local Government Board with respect to sinking funds) ;

so far as they are applicable for the purposes of this Act shall extend and apply mutatis mutandis to and in relation to the moneys borrowed under the powers of this Act and for that purpose the expression "this Act" where used in those sections shall mean the Newark Corporation Waterworks Act 1897.

As to application of water revenue.

19. Before applying the water revenue in making any payment to the reserve fund as prescribed by section 70 (Application of revenue) of the Act of 1891 the Corporation shall pay the interest on moneys borrowed by them under and provide the requisite instalments and sinking fund prescribed by this Act and the said section 70 shall be read and construed accordingly.

Corporation not to regard trusts.

20. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Expenses of Act.

21. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall after taxation by the taxing officer of the House of Lords or the House of Commons be paid by the Corporation out of money borrowed for the purpose by them under the provisions of this Act.

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