



CHAPTER ccxxxvii.

An Act to authorise the Mayor Aldermen and Burgesses of the Borough of Harrogate to purchase the Undertaking of the Harrogate Waterworks Company and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS the borough of Harrogate in the west riding of the county of York is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the council are the urban district council for the borough and besides the powers conferred upon them by the Municipal Corporations Act 1882 the Public Health Acts and other public and general Acts they have divers powers under the Harrogate Corporation Act 1893 :

And whereas the Harrogate Waterworks Company (in this Act called "the Company") under and by virtue of the Harrogate Waterworks Act 1846 the Harrogate Waterworks Act 1869 and the Harrogate Water Order confirmed by the Gas and Water Orders Confirmation Act 1880 have constructed waterworks and are supplying with water the borough of Harrogate and neighbourhood :

And whereas it is expedient that the water supply of the borough should be under the control of the Corporation and that the undertaking of the Company should be transferred to and vested in the Corporation in manner provided by this Act :

And whereas a Bill has been introduced into Parliament intituled "An Act for conferring further powers on the Harrogate Waterworks Company for the construction of works and the raising of capital and for other purposes" and it is expedient in the event of the said Bill passing into law and becoming an Act (in this Act referred to as "the Harrogate Waterworks Act 1897") that the Corporation should be empowered to execute the works and exercise the powers authorised and contained in that Act subject and in manner provided by this Act :

A.D. 1897. — And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation showing that they may require to borrow sums of money for or in connexion with the purchase of the waterworks and other the undertaking of the Company being permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that the Corporation should be empowered to borrow money for those purposes:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of October 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 *Harrogate 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 twice in the *Harrogate Advertiser* a newspaper published and 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 fifth day of March one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preliminary.

Short title. 1. This Act may be cited as the *Harrogate Corporation (Waterworks Transfer) Act 1897.*

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

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—
Incorporation of 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 section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent" in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44:

The Waterworks Clauses Act 1863.

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

Interpretation.

"The undertakers" or "the company" means the Corporation:

And in this Act unless the context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Harrogate;

"The borough" means the borough of Harrogate;

"The council" means the council of the borough;

"The district fund" and "general district rate" mean respectively the district fund and the general district rate of the borough;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation and securities transferable by delivery;

"The Company" means the Harrogate Waterworks Company;

"The Company's Acts" means the Harrogate Waterworks Act 1846 the Harrogate Waterworks Act 1869 and the Harrogate Water Order confirmed by the Gas and Water Orders Confirmation Act 1880;

A.D. 1897. — “The undertaking of the Company” means the undertaking authorised by the Company’s Acts and (if passed) the Harrogate Waterworks Act 1897 :

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

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

Purchase of Water Undertaking.

Limits of Act.

5. The limits of this Act shall be the borough and the following parts of the rural district of Knaresborough that is to say the parish or township of Haverah Park the parishes of Paunal Bilton Starbeck Scriven-with-Tentergate and so much of the parish of Knaresborough as lies south-west of the River Nidd Provided that until the transfer of the undertaking of the Company to the Corporation nothing in this Act shall authorise the Corporation to supply water within any part of the said limits.

Company to sell their undertaking to Corporation.

6.—(1.) The Company shall sell and the Corporation shall purchase the undertaking of the Company for such consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the Corporation or as failing such agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts.

(2.) The Corporation shall give notice to treat for the purchase of the undertaking of the Company not later than three months from the passing of this Act.

(3.) The value of the undertaking of the Company shall not be deemed to be affected by reason of the passing of the Harrogate Waterworks Act 1897.

(4.) In addition to the sum to be paid by the Corporation to the Company under the foregoing provisions of this section the Corporation shall on or before the first day of January one thousand eight hundred and ninety-eight pay to the Company the costs and expenses incurred by them preliminary to and of and incident to the preparing applying for obtaining and passing of the Harrogate Waterworks Act 1897 (if the same be passed) and their opposition to the Bill for this Act and the Corporation shall also pay the costs and expenses of and incident to the winding up of the Company and the Corporation shall also pay compensation to any officers and

servants in the regular employment of the Company (for whom no regular office or employment shall be found by the Corporation) in respect of any loss of office or diminution of salary or income the amount of such compensation in default of agreement to be determined by arbitration as aforesaid. Provided that no officer or servant who has been in the employment of the Company for fourteen years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Corporation.

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7. The receipt in writing of three directors of the Company for any money paid to the Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Receipt for
purchase-
money.

8.—(1.) On payment by the Corporation of the amount of purchase-money to the Company or on payment of the amount into the Bank of England under the provisions of this Act the Company's undertaking with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer."

Transfer.

(2.) The production of a Queen's Printers' copy of this Act duly stamped together with a receipt for the purchase-money purporting to be signed by three directors of the Company or by the cashier of the Bank of England shall (unless it be proved that such purchase-money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the Company's undertaking.

9. The mortgage debt of the Company and the interest thereon shall after the transfer of the undertaking of the Company and until discharged be a first charge on the water undertaking of the Corporation.

Mortgage
debt of
Company
to be a
charge on
undertaking.

A.D. 1897. — impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the Company if this Act had not been passed and may sell and supply water in accordance with the provisions of this Act.

Transfer of powers of Harrogate Waterworks Act 1897 to Corporation.

20. As from the transfer all the powers rights privileges authorities duties and obligations conferred and imposed upon the Company by the Harrogate Waterworks Act 1897 shall be transferred to vested in and imposed on the Corporation and the unrepealed provisions of that Act (except section 39) shall be read and have effect as if the Corporation had been therein named instead of the Company except that the sections and provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the said Act and the provisions of the Waterworks Clauses Act 1847 limiting the amount of profit to be received by the company or undertakers shall not apply to the Corporation.

As from the transfer the following sections of the Harrogate Waterworks Act 1897 are hereby repealed namely section 12 and sections 18 to 38.

Power to take additional land by agreement.

21. The Corporation may for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres but the Corporation shall not create or knowingly permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take easements &c. by agreement.

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 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 as 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.

Reservation of water rights &c. on sale.

23. The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale

subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. A.D. 1897.

24. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks. Power to hold lands for protection of works.

25. The Corporation shall not under the powers of this Act take 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 which have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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.

26. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):— Rates for supply of water for domestic purposes.

Where the rateable value of the premises so supplied with water does not exceed seven pounds ten shillings the sum of eight shillings and eightpence ;

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Where such rateable value exceeds seven pounds ten shillings and does not exceed twelve pounds the rate of ten pounds per centum upon such rateable value ;

Where such rateable value exceeds twelve pounds and does not exceed thirty pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds thirty pounds, and does not exceed sixty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds sixty pounds and does not exceed one hundred and twenty pounds the rate of six pounds per centum upon such rateable value ;

Where such rateable value exceeds one hundred and twenty pounds the rate of five pounds ten shillings per centum upon such rateable value :

Provided that the Corporation shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for
water-
closets and
baths.

27. In addition to the foregoing charges the Corporation may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding seven shillings and sixpence per annum and for every fixed bath containing as usually filled for use not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rates.

Corporation
not to be
compelled

28. The Corporation shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes

connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

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to supply
certain
closets or
baths.

29. Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Rate payable
by owners
for small
houses.

30. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to
houses
partly used
for trade &c.

31. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main into each house supplied by them with water.

Corporation
not bound
to supply
several
houses by
one pipe.

32. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be sent by post to or left at the office of the Corporation.

Notice of
discontinu-
ance.

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

Byelaws for
preventing
waste of
water.

- (1) The Corporation may 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 water-closets 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 of them which may allow or

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tend to waste or undue consumption misuse erroneous measurement or contamination :

- (2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :
- (3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation 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 water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Supply of water for other than domestic purposes and by measure.

34. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Power to sell meters.

35. The Corporation may sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Corporation of connecting or disconnecting meters.

36. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

37. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the

Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained :

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And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rent is recoverable :

The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

38. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
Corporation
to supply
materials.

39. The Corporation may enter into and carry into effect agreements with any urban or rural district council of any district

Supply of
water in
bulk.

A.D. 1897. beyond the limits of this Act or any company authorised to supply water under Parliamentary authority within any such district for the supply by the Corporation to such council or company respectively of water in bulk for any purposes and for any period not exceeding (except in the case of the Knaresborough rural district council) seven years. Provided that it shall not be lawful for the Corporation to supply water under any such agreement as aforesaid within the limits of supply of any local authority or company supplying water under the authority of Parliament without the consent of such authority or company as the case may be nor shall the Corporation supply water so as to interfere with the supply of water for domestic purposes within their limits.

For prevention of plumbism.

40.—(1.) All water supplied by the Corporation after the expiration of one year from the transfer whether supplied in bulk or otherwise and used for dietetic purposes shall before delivery be efficiently and continuously filtered or otherwise treated so as to prevent the action of such water on lead in a manner injurious to public health.

(2.) If the Corporation shall make default under this section they shall be liable to a penalty not exceeding ten pounds for every such default and to a like penalty for every day during which such default continues after conviction and such penalty shall be recoverable summarily by the county council of the west riding of the county of York.

(3.) Any person duly authorised by the said county council may at any time after not less than twenty-four hours' previous notice in writing to the town clerk enter on the property of the Corporation for the purpose of taking and carrying away samples of the water and any person who molests hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence which shall be recoverable summarily.

For protection of Knaresborough rural district council.

41. For the protection of the rural district council of Knaresborough (in this section called "the rural council") the following provisions shall (unless otherwise agreed in writing between the Corporation and the rural council) have effect (that is to say):—

(1) If at any time the rural council shall give to the Corporation notice in that behalf under their common seal the Corporation shall sell to the rural council and the rural council shall purchase from the Corporation all the water mains pipes hydrants valves and apparatus of the Corporation within the district of the rural council (except the aqueducts or conduits conveying water from the impounding reservoirs in Haverah

Park to the service reservoirs in or near the borough) at the then actual value thereof at the date of the purchase exclusive of any compensation for compulsory sale such value in case of difference between the Corporation and the rural council to be settled by an engineer to be appointed on the application of either of the parties by the Local Government Board :

- (2) Any such purchase shall be deemed a purpose of the Public Health Act 1875 :
- (3) From and after the completion of the said purchase the Corporation shall supply in bulk to the rural council such daily quantity of water as the rural council may from time to time require and agree to take for domestic public sanitary trade and manufacturing purposes at the rate of sevenpence halfpenny for every thousand gallons of such water :
- (4) From and after the said purchase by the rural council the Corporation shall not supply any water within the district of the rural council otherwise than in bulk to the rural council under the provisions of this section :
- (5) The Corporation shall supply the water to the rural council under this section at a sufficient pressure to reach the top storey of every dwelling-house erected or to be erected within the limits of supply of the Corporation in the district of the rural council at points to be agreed by the Corporation and the rural council or failing agreement to be settled by a referee nominated by the Local Government Board Provided that wherever the Corporation are able to give the necessary pressure to any portion of the district of the rural council by the ordinary means of gravitation from any reservoir for the time being of the Corporation they shall not be called upon to supply the same by other methods :
- (6) If at any time by reason of inevitable accident excessive drought or from any other cause the Corporation shall be under the necessity of temporarily diminishing the supply of water within the borough the Corporation shall be at liberty to diminish the supply to the rural council so as to make the supply to that council the same quantity per head of the population of the district of the rural council as that of the borough and the population of the district of the rural council and borough respectively shall for the purpose of this section be ascertained by reference to the then last census :
- (7) For ascertaining the quantity of water delivered to the rural council under this section a meter or meters shall be provided by the rural council and shall be fixed and maintained by

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them at the points of delivery herein-before mentioned and the Corporation and the rural council and their officers and servants shall have free access at all times to the said meter or meters for the purpose of inspecting the same and reading the registration thereof and such registration shall be *primâ facie* evidence of the quantity of water passing through the meter or meters:

- (8) The accounts of the supply of water under this section shall be made up quarterly on the 1st day of April 1st day of July 1st day of October and 1st day of January and the sum due for the quarter's supply shall be paid by the rural council to the Corporation within one calendar month from the delivery of each quarterly account:
- (9) Until the Corporation shall supply water in bulk to the rural council in accordance with this section the provisions of the Waterworks Clauses Act 1847 relating to fireplugs shall apply as if the rural council were the town commissioners within the meaning of that Act:
- (10) The Corporation until they shall supply water in bulk to the rural council under this section shall supply the rural council with water for cleansing the sewers and drains and for cleansing and watering the streets in the district of the rural council at a price not exceeding sevenpence halfpenny per thousand gallons:
- (11) Until the Corporation shall supply water in bulk to the rural council under this section the price for water supplied by the Corporation outside the borough shall be the same as the charge for the time being made for the water supplied by the Corporation within the borough in the like circumstances:
- (12) Sub-section (6) of this section shall extend and apply to and in relation to the supply of water otherwise than in bulk:
- (13) Until the Corporation supply water in bulk to the rural council under this section the Corporation shall supply water in that part of the district of the rural council within the limits of this Act for all purposes for which they shall for the time being afford a supply within the borough in the like circumstances:
- (14) Until the Corporation shall supply water in bulk to the rural council in accordance with the preceding provisions of this clause the Corporation may enter into and carry into effect agreements with the rural council or with their consent with any parish council within the limits of this Act for a supply by the Corporation to such council or parish respectively of water in bulk for any purposes.

Financial Provisions.

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42.—(1.) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

Power to borrow.

(1) For the purchase of the undertaking of the Company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) for the payment of the mortgage debt of the Company and for the purchase of land for and the execution of the works authorised by the Harrogate Waterworks Act 1897 the sum requisite for those purposes ;

(2) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the water undertaking of the Corporation.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate.

43. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. The Corporation shall invest the moneys standing to the credit of any sinking fund in statutory securities and the provisions of this Act in regard to the formation and investment of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Mode of raising money.

44. 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 Corporation 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.

45. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Provisions of Public Health Act as to mortgages to apply.

Section 236 Form of mortgage ;

A.D. 1897. Section 237 Register of mortgages ;
Section 238 Transfer of mortgages.

Periods for
discharge of
loans.

46. The Corporation shall pay off all moneys borrowed by them under this Act and the mortgage debt of the Company which at the time of transfer shall be owing within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

As to moneys borrowed for the purposes (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same ;

As to the mortgage debt of the Company within fifty years from the time of the transfer ;

As to money borrowed for the purpose (2) in the said section mentioned within ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of
payment off
of money
borrowed.

47. The Corporation shall pay off all moneys borrowed by them under the powers of this Act and the mortgage debt of the Company either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made and in respect of the mortgage debt of the Company next following the date of transfer Provided that as between the Corporation and the mortgagees the provisions of this Act relating to the discharge of the mortgage debt of the Company shall not be deemed to alter or affect the terms of the mortgages.

Sinking
fund.

48.—(1.) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or the mortgage debt of the Company such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund ; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5.) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations

A.D. 1897. — thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the board may direct.

(8.) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Protection
of lender
from inquiry.

49. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation
not to regard
trusts.

50. The Corporation shall not be bound to see to the execution of any trust whether expressed 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 of mortgages of the Corporation shall from

time to time be 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. A.D. 1897.

51.—(1.) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. 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 one thousand pounds in the whole. Appointment
of receiver.

(2.) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

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

53.—(1.) The treasurer of the borough shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that board and if required by that board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or Annual
return to
Local
Government
Board.

A.D. 1897. investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2.) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Proceeds of sale of surplus lands to be treated as capital.

54. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments 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. Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Application of money borrowed.

55. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of water revenue.

56. The Corporation shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First.—In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Secondly.—In payment of the interest on the mortgage debt of the Company until redemption;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation under this Act;

Fourthly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed under this Act and the mortgage debt of the Company ; A.D. 1897.

Fifthly.—In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the district fund so much of any balance (including the interest on the reserve fund when such fund amounts to ten thousand pounds) remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith.

57. Any deficiency in the revenue of the Corporation on account of their water undertaking shall be from time to time made good out of the general district rate made next or next but one after each such deficiency is ascertained. As to deficiency in receipts.

58.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875. Inquiries by Local Government Board.

(2.) The Corporation shall pay to the Local Government Board any expenses incurred by that board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

59. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be Expenses of execution of Act.

A.D. 1897. — defrayed by the Corporation out of the district fund and general district rate.

Audit of accounts.

60. The accounts or receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

General provisions as to byelaws.

61. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Powers of Act cumulative.

62. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty for the commission of the same offence.

Judges not disqualified.

63. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or any gas or water rate rent or charge payable to the Corporation.

Costs of Act.

64. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

THE SCHEDULE.

A.D. 1897.

**THE SECTIONS OF THE HARROGATE WATERWORKS ACT 1846 EXEMPTED
 FROM REPEAL.**

Section.	Marginal Note.
XX.	Company not to take water from the cold bath spring until they have provided for the supply of the trough or water place there.
XXI.	Penalty for diverting water.
XXII.	Company may make excavations for laying down mains &c. within 300 yards of the old Sulphur Well.
XXV.	Lands purchased from the Earl of Harewood not to be built upon without consent.
XCII.	Chancellor and council of the Duchy of Lancaster empowered to sell lands belonging to the duchy and provide for application of purchase-money.
XCIII.	Compensation for laying pipes in lands belonging to the Duchy of Lancaster.
XCIV.	Company to give notice to surveyor &c. of the duchy before breaking up lands to lay pipes.
XCV.	Company to complete works on duchy lands with all despatch.
XCVI.	Compensation for injury to duchy lands how to be recovered.
XCVII.	If lands of the duchy are required for building purposes pipes to be removed.
XCVIII.	Saving rights of the Crown and the Duchy of Lancaster.

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