



## CHAPTER li.

An Act to authorise the Stockton and Middlesbrough Water Board to construct a new Reservoir and other works to amend the Acts relating to the supply of water by the Board to change the name of the Board and for other purposes. A.D. 1899.  
[20th June 1899.]

**W**HEREAS under the provisions of the Acts and of the Provisional Orders confirmed by Parliament specified in the schedule to this Act (in this Act referred to as "the Water Acts") the Stockton and Middlesbrough Water Board (in this Act referred to as the "Joint Board") are authorised to supply and do supply water within the boroughs of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees (formerly the district of the local board for South Stockton) and other places in the neighbourhood thereof by the said Acts specified in that behalf:

And whereas it is expedient for the improvement of the supply now given by the Joint Board that the Joint Board be authorised to make and maintain the service reservoir and other works in this Act described:

And whereas it is expedient to revive the powers granted by the Stockton and Middlesbrough Corporations Waterworks Act 1876 (in this Act referred to as "the Act of 1876") and the Stockton and Middlesbrough Waterworks Act 1890 (in this Act referred to as "the Act of 1890") for the compulsory purchase of land for works authorised by the Act of 1876:

And whereas it is expedient to empower the Corporations of Stockton Middlesbrough and Thornaby-on-Tees to borrow such sums as may be necessary to provide for the expenses incurred by the Joint Board in carrying into effect the purposes of the Water Acts and of this Act and for the costs charges and expenses preliminary and incidental to preparing obtaining and passing this Act:

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And whereas estimates have been prepared showing that for the purposes aforesaid (being permanent works within the meaning of section 234 of the Public Health Act 1875) the Corporations will or may respectively require to borrow the several sums of money next herein-after mentioned (that is to say):—

In the case of the Corporation of Stockton -	£ 153,460
In the case of the Corporation of Middlesbrough -	184,152
In the case of the Corporation of Thornaby-on-Tees -	30,692

And whereas it is expedient to extend the limits within which the Joint Board are now authorised to supply water so as to include the parish of Croft:

And whereas by section 20 of the Stockton and Middlesbrough Waterworks Act 1890 the Joint Board were relieved from their obligation under section 64 of the Act of 1876 to make and maintain any fish pass from or out of the Blackton and Hury Reservoirs or either of them upon the terms and conditions in the said Act mentioned:

And whereas it is expedient that the Joint Board be relieved upon the terms and conditions herein-after mentioned from their obligation to make and maintain any fish pass from or out of the Grassholm Reservoir and they have accordingly paid into the London and Westminster Bank Lothbury to the credit of Sir Courtenay Boyle K.C.B. the Permanent Secretary of the Board of Trade and the Right Honourable James Lowther the Chairman of the Board of Conservators of the Tees Fishery District within whose jurisdiction the said reservoir is situate the sum of two thousand seven hundred and fifty pounds to be expended in the manner by this Act prescribed and they have also paid into the bank of Messieurs Smith Payne and Smiths Lombard Street London to the credit of Patrick Bowes Lyon George Auldjo Jamieson and George Adolphus Western the present trustees of the settled estates of the Right Honourable Claude Earl of Strathmore and Kinghorne who is or claims to be lord of the manors of Lune and Mickleton within which the said reservoir is situate the sum of one thousand two hundred and fifty pounds:

And whereas it is expedient that the Water Acts be further amended in manner herein-after appearing:

And whereas it is expedient that the name of the Joint Board be changed:

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

And whereas plans and sections showing the lines situations and levels of the waterworks by this Act authorised and a book of

reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1899.

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

1. This Act may be cited as the Tees Valley Waterworks Act Short title.  
1899.

2. The Water Acts as each is amended and modified by any subsequent Act or Provisional Order confirmed by Parliament and by this Act shall be read and construed together with this Act. Construc-  
tion of Act.

3. The following enactments (so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act) are incorporated with and form part of this Act (that is to say) :— Incorporation of  
general  
enactments.

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 except that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act 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 therefrom and except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the provisions with respect to the yearly receipt and expenditure of the undertakers.

4. In this Act unless the context otherwise requires—

The word "boroughs" means the borough of Stockton-on-Tees in the county of Durham the borough of Middlesbrough in the county of York and the borough of Thornaby-on-Tees in the county of York ;

The expression "the corporations" means the mayor aldermen and burgesses of the boroughs respectively ;

Words and expressions to which meanings are assigned in enactments incorporated or to be read and construed together with this Act or which have therein special meanings have in this Act the same respective meanings ;

Interpreta-  
tion:

A.D. 1899.

The expression "waterworks undertaking" in the Water Acts and this Act shall be construed to include the waterworks by this Act authorised.

Revival of powers of compulsorily purchasing lands.

5. Subject to the provisions of this Act the powers conferred on the Joint Board by the Act of 1876 and the Act of 1890 for entering upon purchasing taking and using such of the lands delineated on the plans and described in the book of reference deposited in respect of the Act of 1876 as may be required for making the following waterworks and works by the Act of 1876 authorised (that is to say) Grassholm Reservoir and Conduit No. 1 are by this Act revived.

Power to acquire lands.

6. Subject to the provisions of this Act the Joint Board may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Persons under disability may grant easements &c.

7. 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 Joint Board 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.

Period for compulsory purchase of lands.

8. The powers of the Joint Board for the compulsory purchase of lands under this Act (including the powers revived by this Act) shall not be exercised after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

9. The Joint Board shall not under the powers of this Act purchase or acquire in any city 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.

If the Joint Board acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by

the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty. A.D. 1899.

For the purposes of this section the expression "labouring class" means 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.

10. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Joint Board may sell lease and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof. Power to sell lands.

11. Subject to the provisions of this Act the Joint Board may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works herein-after described (that is to say):— Power to make water-works.

A service reservoir (Long Newton Reservoir) to be wholly situate in the parish of Long Newton in the county of Durham to be constructed in fields numbered on the  $\frac{1}{2500}$  Ordnance map (second edition 1897) 69 70 71 77 142 and 148 containing an area of 62 acres 2 roods and 23 perches or thereabouts:

An aqueduct or line of pipes wholly situate in the said parish of Long Newton commencing by a junction with the existing Conduit "No. 5" described in and authorised by the Act of 1876 and terminating in the south-west corner of the service reservoir herein-before described:

Together with all such pumping engines storage tanks filter beds cuts channels adits catchwaters culverts drains sluices byewashes weirs gauges wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any or either of them.

12. In constructing the works by this Act authorised the Joint Board may deviate from the lines thereof to any extent not exceeding the limits of 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 may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards: Power to deviate.

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Provided that no pipe or main shall be above the surface of the ground unless so shown on the sections and then only to the extent so shown.

Power to  
take waters.

**13.** Subject to the provisions of this Act the Joint Board may for the purpose of the waterworks undertaking take collect use and appropriate all such streams springs and waters as may be found in or under any of the lands acquired by them for the Long Newton Reservoir under the powers of this Act.

Period for  
completion  
of works.

**14.** If the works by this Act authorised and delineated on the deposited plans are not completed within six years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Power of  
Corporations  
to borrow.

**15.** The Corporations may borrow on the security of the funds and rates herein-after mentioned and of their respective shares of the revenue of the waterworks undertaking (in addition to any sums which they are already authorised to borrow) such sums of money as they may require not exceeding the amounts following (that is to say):—

For the purposes of the purchase of land and the construction of the waterworks and works by the Water Acts and this Act authorised sums not exceeding—

In the case of the Corporation of Stockton one hundred and fifty-three thousand four hundred and sixty pounds;

In the case of the Corporation of Middlesbrough one hundred and eighty-four thousand one hundred and fifty-two pounds;

In the case of the Corporation of Thornaby-on-Tees thirty thousand six hundred and ninety-two pounds:

For the purpose of defraying their proportion of the costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act such sum as may be required.

The Stockton and Middlesbrough Corporations may mortgage their respective borough funds and borough rates and their respective shares of the revenue of the waterworks undertaking and the Thornaby-on-Tees Corporation may mortgage their district fund and general district rate and their share of the revenue of the waterworks undertaking as a security for the repayment of the money so borrowed accordingly.

Period of  
repayment.

**16.** All moneys borrowed or re-borrowed under the authority of this Act for the purpose of the purchase of land or the construction

of the waterworks or works by the Water Acts and this Act or any of them authorised shall be repaid within sixty years from the first borrowing of the same and any moneys borrowed or re-borrowed for the purpose of defraying any costs charges or expenses preliminary to or of or incidental to preparing obtaining and passing this Act shall be repaid within ten years from the first borrowing of the same.

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17. Subject to the provisions of this Act the Corporations of Stockton and of Middlesbrough may respectively borrow and re-borrow all moneys which they are by this Act authorised to borrow in manner provided by the Act of 1876 as amended by any subsequent Act or Order confirmed by Parliament and the provisions of that Act as extended or amended by any such subsequent Act or Order shall extend and apply to the borrowing of the moneys by this Act authorised to be borrowed by those Corporations and to the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred by section 40 of the Act of 1876 The Corporation of Thornaby-on-Tees may borrow and re-borrow all moneys which they are by this Act authorised to borrow in manner provided by the South Stockton Local Board (Water) Act 1884 as amended by the Stockton and Middlesbrough Waterworks Acts 1883 and 1890 and the provisions of those Acts shall extend and apply to the borrowing of the moneys by this Act authorised to be borrowed by the Corporation of Thornaby-on-Tees and to the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred on the said Corporation by the South Stockton Local Board (Water) Act 1884 :

Mode of borrowing.

Provided that any of the Corporations having for the time being power to raise money by the creation and issue of corporation stock may if they see fit exercise their borrowing powers under this Act by the creation and issue of such stock.

18. The Corporations respectively may for the purpose of defraying any expenses which may be incurred by them in relation to the raising of any moneys to be borrowed by them under this Act apply any part of the sums of twenty thousand pounds twenty-four thousand pounds and four thousand pounds which they were respectively authorised to borrow by sections 13 and 15 of the Stockton and Middlesbrough Waterworks Act 1888.

Application of sections 13 and 15 of Act of 1888.

19. Section 105 of the Act of 1876 (As to rating of railways &c.) shall extend and apply to all rates which may be assessed and levied under the authority or for any of the purposes of this Act or to raise or pay any moneys which by or by virtue of this Act may

Application of section 105 of Act of 1876.

A.D. 1899. — be charged on the borough funds or borough rates of the boroughs as if such rates had been assessed and levied under the authority or for any of the purposes of the Act of 1876 or to raise or pay any moneys which by or by virtue of the Act of 1876 had been charged on such borough funds or borough rates.

As to sinking fund.

**20.** If any repayment of moneys borrowed or re-borrowed under this Act shall be made by means of a sinking fund the Corporations shall in every year reckoned from the date of the borrowing of such money appropriate and set apart out of the funds rates and revenue on the security of which such money shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the principal money borrowed on such security within the prescribed periods.

Application of sections 32 33 and 35 of Act of 1890.

**21.** Section 32 (Annual return to Local Government Board with respect to sinking funds) section 33 (Power to re-borrow) and section 35 (Precepts for payment of moneys by Corporations) of the Act of 1890 shall apply in the case of moneys borrowed under this Act as if they were with the necessary adaptations set out and re-enacted in this Act.

Payment of interest on money borrowed until completion of works.

**22.** Notwithstanding anything in the Water Acts or this Act or in any Act wholly or partially incorporated with any of those Acts the Corporations may respectively pay interest on any moneys borrowed under the authority of this Act for the purposes of the construction of any works authorised by the Water Acts or this Act out of the moneys so borrowed but only during the construction of such works and up to the time of the bringing of such works into actual use for the purposes of water supply or up to the expiration of the period limited by the Water Acts or this Act (as the case may be) for the completion of the said works respectively whichever shall first happen and such interest shall for the purposes of this Act include interest on unpaid purchase money for land bought for the purposes of any such works.

Extension of limits of supply.

**23.** The limits within which the Joint Board may supply water for domestic trading and other purposes and may levy and recover rates rents and charges shall be extended so as to include such parts of the parish of Croft in the county of York as are coloured red on the plan signed by the Lord Chairman of Committees of the House of Lords to which the Bill for this Act was referred and which is deposited in the office of the Joint Board.

Relief of Joint Board

**24.—**(1) Notwithstanding anything contained in section 64 of the Act of 1876 or in the Salmon and Freshwater Fisheries Acts



1861 to 1892 the Joint Board shall not be compelled to make or maintain any fish pass from or out of the Grassholm Reservoir.

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from obligation to make and maintain fish pass for Grassholm Reservoir.

(2) The Joint Board shall at their own expense and to the satisfaction of the Earl of Strathmore and Kinghorne or other the lord or lords of the manors of Lune and Mickleton within two years from the completion of the Grassholm Reservoir stock the said reservoir with suitable Loch Leven trout or other species of trout selected by the said earl or other the lord or lords aforesaid sufficient in quantity having regard to the extent of water to be so stocked.

(3) The said earl or other the lord or lords aforesaid shall at all times have the right of keeping and using one or more boats on the said Grassholm Reservoir as well as on the Blackton and Hury Reservoirs mentioned in section 64 of the Act of 1876 for the exercise of the rights of sporting fishing and fowling thereby conferred and he and they shall also be entitled at his and their own expense to construct and maintain on each of the said three reservoirs or on land of the Joint Board adjoining the same respectively one boathouse of such description plan and elevation and in such position as shall be agreed between the said earl or other the lord or lords aforesaid and the Joint Board or as in case of dispute shall be settled by arbitration. Such boathouses to be for the exclusive use of persons entitled to exercise the said rights of sporting fishing and fowling and of others authorised by any of such persons. Provided that the right hereby conferred of constructing and maintaining boathouses as aforesaid shall not be deemed to authorise any act which is forbidden by section 61 of the Waterworks Clauses Act 1847 or which shall otherwise tend to foul or contaminate the water in the said reservoirs or any of them.

**25.** The sum of two thousand seven hundred and fifty pounds herein-before stated to have been paid by the Joint Board into the London and Westminster Bank Lothbury to the credit of the Permanent Secretary of the Board of Trade and the Chairman of the Board of Conservators of the Tees Fishery District (herein-after called "the trustees") or so much thereof as shall not for the time being be expended as herein-after provided may if the trustees in their discretion think fit be left on deposit in the said bank or in the Bank of England or be invested by the trustees in Government securities.

For protection of Tees Fishery Conservators.

(1) The said sum of two thousand seven hundred and fifty pounds and any interest thereon shall be expended by the trustees at such times and in such manner as the Board of Trade in their discretion think fit for the advantage of the fisheries of the Tees Fishery District.

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(2) Nothing in this Act shall be deemed to alter the limits of the River Tees or of the fishery district of the said river as defined by any certificate of a Secretary of State under the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1896 or any of them.

Amendment  
of section 57  
of Act of  
1876.

**26.** So much of section 57 of the Act of 1876 as enacts that notwithstanding anything in the said Act contained or shown on the plans and sections deposited for the purposes of the said Act the Joint Board shall not draw off appropriate or use for consumption any water from the Grassholm Reservoir but shall so construct the tunnel or Conduit No. 1 as not to be able to take and abstract water from the Grassholm Reservoir by means of such tunnel below the top water level of that reservoir is hereby repealed and the provisions of section 65 of the Act of 1876 shall apply to the construction of the said tunnel or conduit. Provided that notwithstanding the said repeal the Joint Board shall so construct the said tunnel or conduit that the storage capacity of the Grassholm Reservoir below the level of the invert of the inlet of the said tunnel or conduit shall not be less than eleven hundred million gallons and the Joint Board shall not draw off appropriate or use for consumption any water from such reservoir at any time under any conditions so long as there shall be remaining in the said reservoir a less quantity of water than eleven hundred million gallons. The said reservoir and tunnel or conduit and the works immediately connected therewith shall both during and after construction be at all reasonable times open to the inspection of an engineer to be appointed by the corporation of Darlington in order to ascertain that the same are constructed and maintained in conformity with the Act of 1876 as altered by this Act.

Alteration  
of charge  
for water  
supplied to  
large con-  
sumers.

**27.** From and after the passing of this Act so much of the following sections (that is to say) :—

Section 70 of the Stockton and Middlesbrough Waterworks Act 1858;

Section 13 of the Stockton and Middlesbrough Waterworks Act 1864;

Section 85 of the Act of 1876 ;

as enacts or requires that the charge for a supply of water for trade and railway purposes to any person whose total consumption shall not be less than five million gallons per quarter year shall be at a rate not exceeding threepence per thousand gallons shall be repealed and for supplies as aforesaid the Joint Board may charge at a rate not exceeding threepence halfpenny per one thousand gallons as from the thirteenth day of May one thousand eight hundred and ninety-nine for the period of twelve years that is to say until the

expiration of the quarter ending the thirteenth day of May one thousand nine hundred and eleven and after that date the enactments hereby repealed shall be revived. Provided that unless on or before the thirteenth day of August one thousand nine hundred contracts for the construction of the Grassholm Reservoir and of the Long Newton Reservoir shall have been sealed by the Joint Board the charge shall from that date revert to the present charge of three-pence per one thousand gallons and in that event also the enactments hereby repealed shall be revived. Provided also that the Joint Board shall after the completion of the Long Newton Reservoir unless prevented by unavoidable cause or accident maintain in their mains a pressure equivalent to thirty feet perpendicular above the level of the surface of the pavement in the Middlesbrough Market Place.

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**28.** From and after the passing of this Act and subject to and in accordance with the provisions of Part IV. of the Companies Clauses Act 1863 (which is hereby incorporated with this Act and shall apply as if the Joint Board were a company) the name of the Joint Board shall be the Tees Valley Water Board.

Change of  
name of  
Joint Board.

**29.** The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall in the first instance be paid by the Joint Board out of the common fund as defined by the Act of 1876 and shall be repaid thereto by the Corporations in the proportions in which they are respectively interested in the water undertaking out of moneys to be borrowed by them under this Act.

Costs of Act.

A.D. 1899.

The SCHEDULE referred to in the foregoing Act.

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The Stockton and Middlesbrough Waterworks Act 1858.

The Stockton and Middlesbrough Waterworks Act 1864.

The Stockton and Middlesbrough Corporations Waterworks Act 1876.

A Provisional Order of the Local Government Board dated the 30th day of April 1879 and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.

A Provisional Order of the Local Government Board dated the 29th day of April 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.

The South Stockton Local Board (Water) Act 1884.

The Stockton and Middlesbrough Corporations Waterworks Act 1884.

The Stockton and Middlesbrough Waterworks Act 1888.

The Stockton and Middlesbrough Waterworks Act 1890.

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