



CHAPTER lxxii.

An Act for supplying with water certain Parishes in the Rural Districts of Wetherby and Tadcaster in the West Riding of the County of York. [13th July 1899.]

A.D. 1899.

WHEREAS there is no proper or adequate supply of water to the parish of Wetherby and adjacent parishes and places in the west riding of the county of York :

And whereas the persons in that behalf in this Act named with others are willing on being incorporated into a company with the necessary powers for such purposes to undertake the supply of water to such parishes and places and it is expedient that they should be incorporated accordingly and authorised to construct waterworks as by this Act provided and that such other powers as are in this Act contained should be conferred on them for the better and more effectually carrying the purposes of this Act into effect :

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and the lands which may be taken for the purposes thereof and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the west riding of the county of York and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

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 :—

1. This Act may be cited for all purposes as the *Wetherby District Water Act 1899.* Short title.

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Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act namely The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner").

Interpretation.

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

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings ;

The expression "the Company" means the Company incorporated by this Act ;

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised.

Company incorporated.

4. Richard Barnes Frank Boulding and Arthur James Tyler and all other persons who have already subscribed or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the waterworks and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Wetherby District Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water shall be the following parishes within the rural district of Wetherby namely Angram Bardsey-with-Rigton Bickerton Bilton Bramham-with-Oglethorpe Clifford Boston Spa Collingham Cowthorp Dunkeswick East Keswick Harewood Hutton Wandesley Kearby-with-Netherby Kirkby Overblow Kirk Deighton Linton Little Ribston Long Marston Micklethwaite North Deighton Rigton Scarcroft Sicklinghall Spofforth-with-Stockeld Thorner Thorpe Arch Tockwith Walton Weardley Weeton Wetherby Wighill Wigton

Wike Wilstrop and Wothersome and such parts of the following parishes within the rural district of Tadcaster namely Aberford Acaster Selby Allerton Bywater Appleton Roebuck Askham Austhorpe Barkstone Ash Barwick-in-Elmet Bilborough Bolton Percy Catterton Colton East Tadcaster Garforth Great and Little Preston Grimston Healaugh Huddleston and Lumby Kippax Kirby Wharf-with-North Milford Kirk Fenton Lead Hall Ledsham Ledstone Lotherton-cum-Aberford Micklefield Newthorpe Newton Kyme Oxton Parlington Ryther-with-Oxendyke Saxton-with-Scarthingwell Sherburn South Milford Steeton Sturton Grange Stutton-with-Hazlewood Swillington Towton Ulleskelf and West Tadcaster all in the west riding of the county of York as the Company may from time to time obtain the consent of the Tadcaster Rural District Council to supply as herein-after provided. A.D. 1899.

6. If at any time after the expiration of two years as regards any of the parishes of Scarcroft Bardsey-with-Rigton Tockwith East Keswick Collingham Linton Wetherby Thorner Bramham-with-Oglethorpe Clifford Boston Spa and Thorpe Arch and of three years as regards either of the parishes of Kirk Deighton and Spofforth-with-Stockeld and of five years as regards any other parish within the limits of supply from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a proper and sufficient supply of water in accordance with the provisions of this Act (such parish not having a proper and sufficient supply of water from some other source) the local authority of the district in which the parish is situate may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company or from some other source as if in either case there were no company authorised by this Act to supply water therein. If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade. Power to local authority &c. to supply water in case Company fails to supply.

7.—(1) The Company shall not execute any works or supply water or exercise any of the other powers conferred on them by this Act within any township or ward in the district of the Tadcaster Rural District Council (in this section called "the council") without the consent in writing of the council under For protection of Tadcaster Rural District Council

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(2) The Company shall at the request of the council in writing under their common seal lay down such mains and pipes as they may from time to time be required to do for the supply of any township or ward within the district of the council Provided always that if in the opinion of the Company it would be unremunerative to supply such township or ward the Company shall in the alternative furnish a bulk supply to the council at their nearest practicable main the charge for such supply not to exceed ninepence a thousand gallons.

(3) If and whenever such consent referred to in subsection 1 has been given the Company shall forthwith supply such township or ward in the same manner as if such township or ward had been included in the limits of supply in this Act in respect of which no such consent is necessary Provided always that this subsection shall not be construed to apply to any township or ward supplied through the mains and pipes of the council.

(4) Nothing in this Act contained shall prejudice or affect the power of the council to do all things necessary for supplying and to supply any part of the area within its district with water from any source obtainable within the area of the district but the council shall not obtain water from any water company or external authority other than the Company so long as the Company are able and willing to supply water which is proper and sufficient for the purposes for which it is required by the council except for the supply of the portions of the district of the council which the council had at the date of the passing of this Act contracted for the supply of with any water company or external authority as aforesaid.

(5) The company shall at the request of the council supply water in bulk to the council at their nearest practicable main for distribution through any mains and pipes belonging to the council and the Company's charge for such water shall not exceed ninepence per thousand gallons.

(6) The Company and the council may agree for the sale or purchase of any mains and pipes belonging to the council.

(7) The provisions of the section of this Act the marginal note of which is "Power to Wetherby Rural District Council to purchase portion of undertaking" shall extend and apply to the Tadcaster Rural District Council as if the council was mentioned in the said section instead of the Wetherby Rural District Council except that the period of twenty-five years mentioned in the Bill shall run from the date of the first consent of the council as aforesaid.

(8) Any difference arising under or out of this section shall be determined by arbitration. A.D. 1899.

8. The Company shall not execute any works which would interfere with any mains pipes or other works belonging to the lord mayor aldermen and citizens of the city of Leeds (in this Act referred to as "the Leeds Corporation") or supply any water within the parishes of Dunkeswick East Keswick Harewood Weardley Weeton Wigton and Wike without the previous consent in writing of the Leeds Corporation. For protection of Corporation of Leeds.

9. The Company shall be established for the purpose of making and maintaining the waterworks and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution. General purposes of Company.

10. The capital of the Company shall be forty-five thousand pounds in nine thousand shares of five pounds each. Capital.

11. Except as otherwise expressly provided by this Act the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid up.

12. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole eleven thousand two hundred and fifty pounds in respect of the capital of forty-five thousand pounds by this Act authorised or they may (subject to the conditions herein-after contained) borrow from time to time not exceeding three thousand pounds in respect of each portion of capital not exceeding fifteen thousand pounds issued by the Company but no part of any such sums shall be borrowed until the whole capital or respective portion of capital in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital or portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital or portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such Power to borrow.

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persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

13. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Calls.

14. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

For appointment of a receiver.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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.

Receipt in case of persons not sui juris.

16. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge of the Company.

Debenture stock.

17. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time (after the passing of this Act) created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock.

18. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on the debenture stock created and issued under this Act shall have

priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act. But this priority shall not affect any claim against the Company in respect of any rentcharge granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or for land taken used or occupied by the Company for the purposes of their undertaking or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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19. All moneys raised under this Act whether by shares or debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application of moneys.

20. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

First ordinary meeting.

21. The number of directors shall be five but the Company may from time to time increase or reduce the number provided that the number be not more than seven or less than three.

Number of directors.

22. The qualification of a director shall be the possession in his own right of not less than forty shares.

Qualification of directors.

23. The quorum of a meeting of directors shall be three.

Quorum.

24. Richard Barnes Frank Boulding and Arthur James Tyler and any two other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Directors.

25. It shall not be necessary for auditors appointed by the Company to hold shares in the capital of the Company.

Auditors need not hold shares.

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Power to
make works.

26. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping stations wells or shafts (except the well shaft and pumping station number 1) water tower conduits or lines of pipes service reservoirs alterations deviations diversions and other works wholly in the west riding of the county of York and shown on the said deposited plans among which are comprised the following namely:—

- (2) A well shaft or boring and pumping station in the parish of Scarcroft :
- (3) A well shaft or boring and pumping station in the parish of Bardsey-cum-Rigton :
- (4) A water tower or tank and reservoir in the parish of Wigton aforesaid :
- (5) A service reservoir in the parish of Bardsey-cum-Rigton aforesaid :
- (6) A conduit aqueduct or line of pipes commencing and terminating in the parish of Wigton by a junction with the proposed conduit work number 3 herein-after described :
- (7) A conduit aqueduct or line of pipes commencing by a junction with work number 6 and terminating by a junction with the water tower work number 4 :
- (8) A conduit aqueduct or line of pipes commencing by a junction with the termination of work number 6 and terminating in the parish of Bardsey-cum-Rigton by a junction with the proposed conduits works number 9 and number 10 opposite the reservoir fifthly herein-before described :
- (9) A conduit aqueduct or line of pipes commencing by a junction at the termination of work number 8 and terminating by a junction with the reservoir work number 5 :
- (10) A conduit aqueduct or line of pipes commencing by a junction with the termination of work number 8 and terminating by a junction with works numbers 11 and 12 :
- (11) A conduit aqueduct or line of pipes commencing by a junction with work number 2 and terminating by a junction with the conduits and works numbers 10 and 12 :
- (12) A conduit aqueduct or line of pipes commencing at the termination of work numbered 10 and terminating by a junction with the well shaft or boring work number 3 :

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith

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and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands shown upon the deposited plans and for the time being belonging to the Company But nothing in this Act shall authorise the Company to sink drive construct or use any well drift or adit within two miles of the water boundary of the Eccup Reservoir of the Leeds Corporation.

27. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown and defined thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road and no pipe or main shall be laid above the general surface of the ground unless so shown on the deposited sections and then only to the extent so shown.

Limits of lateral and vertical deviation

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

29. The works hereby authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided always that subject to the restrictions and provisions of this Act the Company may alter renew enlarge and extend their engines machinery tanks wells shafts adits pipes and other works in such way and manner as they may think requisite or advisable for supplying water within the limits of this Act.

Period for completion of works.

30. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which parties 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 last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Power to owners to grant easements &c.

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Purchase of
lands by
agreement.

31. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purpose of preventing the fouling of the water of any spring or stream directly or indirectly connected with the water supply of the Company and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement or right of water in which other parties than the grantors have an interest) in over or under any such lands Provided that the Company shall not sink drive construct or use any well drift or adit upon any such lands or create or permit any nuisance thereon and that no works or buildings shall be erected on such lands except such as are required for or are connected with the purposes of the Company's waterworks.

Power to
agree as to
drainage of
lands &c.

32. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the wells and other works by this Act authorised or with the Council of the district in which such lands are situate with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Company flowing to or upon or from such lands directly or derivatively into such reservoirs and works.

Restriction
on taking
houses of
labouring
class.

33. The Company 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 next before the passing of this Act were occupied either wholly or partly 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 Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions 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.

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 such persons who may be residing with them.

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34. For the protection of the Right Honourable Henry Ulick Earl of Harewood or other the owner for the time being of Harewood House (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Company have effect (that is to say) :—

Provisions
for protec-
tion of
Earl of
Harewood.

(1) If at any time after the commencement of any of the works by this Act authorised the water supplies whether by means of wells or otherwise existing at the passing of this Act of any houses farms or other property of the owner or the water in any of the becks streams or springs which now feed or flow directly or derivatively into the ornamental lake at Harewood House shall be interrupted diverted lost taken away or diminished by reason of the construction and user of any of the said works or the exercise by the Company of any of the powers of this Act the Company shall provide proper adequate and sufficient supplies equal in all respects both in quantity and quality to the supplies so interrupted diverted lost taken away or diminished in lieu thereof free of charge and shall at their own cost lay down construct and maintain all proper mains pipes tanks or other receptacles for the purpose in such situations as the owner shall reasonably require Provided always that the obligation imposed upon the Company to provide a supply shall only continue as often and so long as such water supplies shall remain interrupted diverted lost taken away or diminished as aforesaid :

(2) In case any such loss taking away or diminution of any of the said water supplies shall occur after the commencement of the works by this Act authorised the same shall prima facie be presumed to be due to the works of the Company.

(3) Any question or difference between the Company and the owner under this section as to the extent to which any of the said existing supplies may be affected shall be determined by an engineer to be agreed upon between the Company and the owner or failing agreement to be nominated by the President of the Institution of Civil Engineers on the application of the Company or the owner :

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- (4) The Company shall not without the consent of the owner purchase take enter upon or use any more land of the owner than shall be absolutely necessary for the works shown on the deposited plans as intended to be constructed on lands of the owner and the owner shall grant to the Company free of charge an easement or right of using so much of his land as shall be absolutely necessary for the laying down constructing and maintaining of mains pipes tanks or other receptacles as provided by subsection 1 of this section :
- (5) All buildings and erections constructed by the Company on any lands acquired by them from the owner shall be constructed in accordance with plans and elevations to be previously submitted by the Company to C. M. S. Pilkington or other the agent for the time being of the owner at Harewood and approved of by him before the buildings or erections are commenced Provided that if the said agent does not within a period of twenty-one days after submission of the said plans and elevations express his approval or disapproval thereof the same shall be deemed to be approved :
- (6) The provisions of this section shall be in addition to and not in substitution for any liability and obligations imposed upon the Company by any of the other provisions of this Act or by any of the Acts incorporated with this Act :
- (7) Any difference which may from time to time arise between the owner and the Company with respect to any question or matter under this section shall except as herein-before provided be settled by arbitration in accordance with the provisions of the Arbitration Act 1889.

For protec-
tion of West
Riding
County
Council.

35. In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Company (that is to say) :—

- (1) All conduits mains or lines of pipes to be laid in or along any main road shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought iron rivetted tubing or other suitable method to be agreed on between the parties entirely separate from and

independent of such bridge or arch unless the said conduits mains or pipes can in the opinion of the surveyor to the county council be laid in the roadway over such bridge at a sufficient depth or be attached to the outside of such bridge and without interfering with or affecting the structure of such bridge and the gradient of such bridge and of the respective approaches thereto shall not be altered :

- (2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the surveyor to the county council and in accordance with plans and sections to be submitted to and approved of by him in writing before the commencement of any such work. Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto :
- (4) The Company shall pay to the county council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this Act authorised :
- (5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert or improve any main road and also to remove alter or renew any such county or main road bridge and the approaches thereto in alongside or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such conduit main or line of pipes had not been constructed or laid in alongside or near to such main road or bridge respectively without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of such diversion improvement removal alteration or renewal and in the event of any such main road or bridge or the approaches thereto in alongside or near to which the conduit main or line of pipes is laid being diverted or improved removed

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altered or renewed as aforesaid the Company shall at their own expense alter the position of the works by which such conduit main or line of pipes is carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor of the county council Provided that before and during such diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Company all reasonable facilities for temporarily carrying such conduit main or line of pipes along the main road or across the stream so as not to interrupt the continuous supply of water :

(6) Notwithstanding anything in this Act or in the incorporated Acts contained if any difference arise between the Company and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed as arbitrator by the Board of Trade on the application of either of the parties in difference.

Power to
Wetherby
Rural Dis-
trict Council
to purchase
portion of
undertaking.

36. If the Wetherby Rural District Council (herein-after referred to as "the council") desire to purchase so much of the undertaking of the Company as lies within the district of the council at any time after the expiration of a period of twenty-five years from the passing of this Act and shall obtain the sanction of the Local Government Board so to do and of such desire shall give to the Company six months' previous notice in writing under their common seal the Company shall at the expiration of the said period of six months sell and transfer so much of their undertaking as lies within the district of the council and the council shall purchase the same for such price and upon such terms and conditions as may be mutually agreed upon or failing agreement as may be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of questions of disputed compensation and in the construction of the said provisions the expressions "the promoters of the undertaking" and "lands" shall respectively be construed to mean the council and the undertaking of the Company and in determining the amount to be paid to the Company by the council the arbitrator shall have regard to the probable increase in consumption of water and consequent increase in revenue within a period not exceeding ten years from the date of the arbitration After the sale of such portion of the undertaking to the council as aforesaid the right and obligation of the Company to supply water within the district of the council shall cease.

37. If the council shall give to the Company notice under the preceding section the Company shall not without the previous consent in writing of the council thereafter incur any capital outlay except only such as may be necessary in the ordinary course of business.

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If notice given Company not to incur capital outlay without consent.

38. Water supplied under this Act shall be constantly laid on under pressure but need not be supplied in any case at a level above that at which water can be supplied by gravitation from the water tower by this Act authorised.

Constant pressure.

39. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at the following annual rates upon the annual value (according to the actual rent if let or the gross estimated rental in the poor rate assessment if in hand less 10 per cent. in either case) of such dwelling-house for the time being (that is to say) :—

Rates at which water is to be supplied for domestic purposes.

For any house of which such annual value does not exceed five pounds per annum the sum of eight shillings and eight pence per annum ;

For any house of which such annual value exceeds five pounds but does not exceed twenty pounds per annum the rate of eight pounds per centum per annum upon such value ;

For any house of which such value exceeds twenty pounds but does not exceed forty pounds the rate of seven pounds ten shillings per centum per annum upon such value ;

For any house of which such value exceeds forty pounds but does not exceed sixty pounds the rate of seven pounds per centum per annum upon such value ;

For any house of which such value exceeds sixty pounds but does not exceed eighty pounds the rate of six pounds ten shillings per centum per annum upon such value ;

For any house of which such value exceeds eighty pounds the rate of six pounds per centum per annum upon such value :

Provided always that the Company shall not be compellable to afford a supply of water for domestic use to any such house for any less sum than eight shillings and eightpence per annum
Provided further that the Company shall not be entitled in any case 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 sufficient annual value to bring it within the next division of the said scale relating to premises of a higher annual value whereon a lower rate per centum per annum is chargeable.

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Rates for
waterclosets
and baths.

40. In addition to the rates computed as above specified the Company may demand and take for the supply of water—

For every watercloset beyond the first (for which no additional charge shall be made) the sum of five shillings per annum and for any private bath in any private dwelling-house or part of such private dwelling-house or appurtenant thereto the sum of twelve shillings per annum. Provided that such bath shall not contain when usually filled for use more than fifty gallons of water.

Penalty for
using water
for other
than domes-
tic purposes.

41. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes only shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings.

Charges for
supply of
water for
other than
domestic
purposes.

42. The Company may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary or otherwise and conditions as shall be agreed on between the Company and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly. Provided that the Company shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required. Provided also that the price to be charged shall not exceed one shilling and sixpence per thousand gallons with a minimum payment of eight shillings per quarter.

Contracts for
supplying
water in bulk
beyond
limits.

43. The Company may enter into and carry into effect agreements with any county council urban or rural district council or other local or sanitary authority or any company body or person for the supply of water by the Company to any such council local or sanitary authority company body or person respectively in bulk beyond the Company's limits of supply for any purpose and for any such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that the powers of this section shall not be exercised within the limits of any local authority or of any company or person now or hereafter authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply water without the consent in writing of such authority company or person. Provided also that the powers of this section shall not be exercised within the parish of Shadwell except with the

consent in writing of the Leeds Corporation Provided also that the Company shall not supply water under any such agreement if and so long as the affording such supply would prevent the Company from giving a full and sufficient supply for all purposes within their limits of supply or prevent the Company fulfilling the obligation imposed on them by the section of this Act the marginal note of which is "Provisions for protection of Earl of Harewood."

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44. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Where several houses supplied by one pipe each to pay.

45. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Company to any other such house or allows the same to be used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for misuser of water by tenant of one of several tenements in a row.

46. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any 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 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.

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

Regulations for preventing waste &c. of water.

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

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

- (2) Such regulations shall not be of any force or effect except within such parts of the district as the Company is bound to supply and does in fact supply or is prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3) Such regulations shall not be confirmed until after the expiration of two months after notice in writing to submit the same for confirmation together with a copy of the proposed regulations to the local authorities within the limits of supply who may within the said period of two months make such representations to the Local Government Board as they see fit :
- (4) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (6) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :
- (7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty

not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them. A.D. 1899.

48. The Company may sell and dispose of meters or let meters on hire and may charge a rent for each meter at a rate per annum not exceeding fifteen per centum of the price of such meter such rent to be paid quarterly in advance and to be recoverable with and as a water rate. Power to sell and let meters.

49. If any person is required by the Company to give to them securities for the payment of the price or rent of a meter the Company shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every twelve months during which the same remains in their hands. Company to pay interest on money deposited as security for meter.

50. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times. Company to keep meters in repair.

51. Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Company. Provided always that if the Company and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such justices shall be final and binding on all parties. Register of meter to be evidence.

52. The Company's manager or other person duly appointed for the purpose by the Company showing his authority if required to do so may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Company and inspect the meter pipes fittings and apparatus for regulating the supply of water and see whether they are in good repair and if such manager or other person at any such Company's officer may enter buildings.

A.D. 1899. time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Power for
Company to
supply
materials.

53. The Company may if requested by any person supplied or about to be supplied by them with water provide and furnish to him and from time to time repair or alter any such meters pipes valves cocks baths soil-pans waterclosets boilers cisterns fountains filters fittings 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 cost of providing such materials and executing such work shall be paid by the person requiring the same.

Service
pipes.

54. All service pipes and fittings and all fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to re-
move meters
and fittings.

55. The Company by their agents or workmen after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid and fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice to
Company of
connection
or discon-
nection of
meters.

56. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring
meters.

57. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fittings belonging to the Company or who fraudulently alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water

of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained 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 Company 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 or used water of the Company the Company 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 Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter 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 user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

58. If and wherever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Recovery of damages from offenders.

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

Notice of discontinuance.

60. In case any consumer of water supplied by the Company leave the premises where such water has been supplied to him without paying to them the water rate or meter rate due from him the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable for arrears of former tenant.

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Several sums
in one sum-
mons or
warrant.

61. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums

Justices not
disqualified
for liability to
water rates.

62. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate under this Act.

Penalties not
cumulative.

63. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Costs of Act.

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

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