



## CHAPTER xxi.

An Act to empower the mayor aldermen and burgesses of the county borough of Barnsley to construct additional waterworks and for other purposes. A.D. 1927.  
[29th June 1927.]

**W**HEREAS the borough of Barnsley (hereinafter referred to as "the borough") is a county borough subject to the Acts relating to municipal corporations and is under the local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council:

And whereas the Corporation are the owners of a water undertaking and supply water within limits which are described in the Barnsley Local Board Act 1862 (hereinafter referred to as "the Act of 1862") and the Barnsley Corporation (Water) Act 1896 and comprise the borough and certain adjacent districts:

And whereas the demands for the supply of water within the said limits have increased and are increasing and it is expedient that the Corporation be authorised to obtain additional sources of water supply and to construct additional waterworks as in this Act described and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking:

And whereas by the Barnsley Corporation Act 1923 (hereinafter referred to as "the Act of 1923") powers

A.D. 1927. were conferred upon the Corporation to construct additional waterworks some of which have not yet been proceeded with and it is expedient that some or some parts of those works be made larger than was intended and that the time limited for the construction thereof be extended and that the powers to acquire lands therefor be revived and extended as in this Act provided :

And whereas it is expedient that the Corporation be empowered to borrow moneys for the purposes of this Act and of enlarging some of the works authorised by the Act of 1923 hereinbefore referred to :

And whereas it is expedient that the Corporation relay and enlarge the trunk main from their Ingbirchworth Reservoir to the borough in accordance with their powers in that behalf contained in the Act of 1862 and that they be empowered to borrow money for that purpose :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the construction of Works No. 1 No. 3 No. 4 No. 7 No. 10 and No. 11 by this Act authorised -	181,800
For the construction of Works No. 2 No. 5 No. 6 No. 8 No. 9 No. 12 and No. 13 by this Act authorised -	89,400
For the construction of Work No. 14 by this Act authorised - -	16,000
For filter beds - - - - -	17,000
For relaying and enlarging the trunk main from Ingbirchworth Reservoir to the borough authorised by the Act of 1862 - - - - -	47,300
For enlarging some of the works authorised by the Act of 1923 as in this Act mentioned - - -	18,500

A.D. 1927.

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the west riding of the county of York :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 *Barnsley Corporation (Water) Act 1927*. Short title.

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

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

(a) the words “ with the consent in writing of the owner or reputed owner of any such house or the agents of such owner ” in section 44 ;

A.D. 1927.  
—

(b) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) Section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith and with respect to the temporary occupation of lands near the railway during the construction thereof. Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 "the Company" shall mean the Corporation and in the application of those provisions to the waterworks by this Act authorised "the railway" shall mean those waterworks and "the centre of the railway" shall mean the centre line as shown on the deposited plans of the lines of pipes authorised by this Act and the top water-line of the weirs, pools and reservoir so authorised and "the prescribed limits" for the purposes of section 32 shall be five hundred yards.

Interpreta-  
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. And—

"The borough" means the county borough of Barnsley;

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

"The town clerk" and "the borough accountant" mean respectively the town clerk and the borough accountant of the borough;

"The Act of 1862" "the Act of 1896" "the Act of 1914" and "the Act of 1923" mean respectively the Barnsley Local Board Act 1862 the Barnsley Corporation (Water) Act 1896 the Barnsley Corporation Act 1914 and the Barnsley Corporation Act 1923;

“The waterworks” means the waterworks and the works in connection therewith authorised by this Act;

“The millowners” means the owners lessees and occupiers of the several mills factories and works now erected or hereafter to be erected on and using the waters of Town Brook below Work No. 7 by this Act authorised or the waters of the River Don below the junction of Long Grain with that river within a distance of twenty miles measured along the course of the stream or river from Work No. 4 by this Act authorised;

“The fishery board” means the board of conservators of the Yorkshire Fishery District;

“The water undertaking” means the water undertaking of the Corporation as for the time being authorised;

“The water revenue” means all moneys received by the Corporation in respect of the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The district fund” and “the general district rate” mean respectively the district fund and general district rate of the borough until the date when the next new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough and thereafter the general rate fund and the general rate of the borough;

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited in relation to the Bill for this Act;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of an annuity rentcharge rent or other security representing or granted in lieu of consideration

A.D. 1927.  
—

money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Power to  
make water-  
works.

4.—(1) Subject to the provisions of this Act the Corporation may in the west riding of the county of York and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

Work No. 1 A weirpool with weirs and intake situate wholly in the urban district of Thurlstone on the streams known as Long Grain and Short Grain near the point of confluence of those streams ;

Work No. 2 A catchwater or aqueduct with intakes situate wholly in the said district and commencing in Work No. 1 and terminating by a junction with Work No. 9 ;

Work No. 3 A weirpool with weir and intake situate wholly in the said district on the stream known as Higher Cat Clough ;

Work No. 4 A weirpool with weir and intake situate wholly in the said district on the stream known as Lower Cat Clough ;

Work No. 5 A line or lines of pipes situate wholly in the said district commencing in Work No. 4 and terminating by a junction with Work No. 9 ;

Work No. 6 A catchwater or aqueduct with intakes situate wholly in the said district commencing in the stream (unnamed) along the eastern side of the enclosure numbered 174 in the said district on the  $\frac{1}{2500}$  Ordnance map Yorkshire (West Riding) sheet CCLXXXI. 1 (second edition 1905) and terminating by a junction with Work No. 9 ;

A.D. 1927.  
—

Work No. 7 A weirpool with weir and intake situate wholly in the said district on the stream known as Town Brook ;

Work No. 8 A line or lines of pipes situate wholly in the said district commencing in Work No. 7 and terminating by a junction with Work No. 9 ;

Work No. 9 A line or lines of pipes situate wholly in the said district commencing in Work No. 3 and terminating in Work No. 10 ;

Work No. 10 A storage reservoir to be called " Royd Moor Reservoir " situate in the urban districts of Thurlstone and Gunthwaite and Ingbirchworth and to be formed across the stream known as Maze Brook ;

Work No. 11 A catchwater bye-pass encircling Work No. 10 ;

Work No. 12 A line or lines of pipes situate wholly in the said urban district of Thurlstone commencing by a junction with Work No. 9 and terminating in the existing intake or reservoir of the Corporation known as " Annat Royd Intake or Reservoir " ;

Work No. 13 A line or lines of pipes commencing in Work No. 10 passing through the parish of Ingbirchworth in the urban district of Gunthwaite and Ingbirchworth into and through the urban district of Thurlstone and terminating in the urban district of Hoylandswaine by a junction with the line or lines of pipes Work No. 3 authorised by the Act of 1923 ;

Work No. 14 A service tank or tanks to be called " the New Champany Hill Service Tanks " situate wholly in the urban district of Dodworth on the north side of and adjoining the existing Champany Hill service reservoir of the Corporation in that district.

(2) In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works ways and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before mentioned works or any of them but nothing in this subsection shall

[Ch. xxi.] *Barnsley Corporation* [17 & 18 GEO. 5.]  
(*Water*) Act, 1927.

A.D. 1927. — exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

5. Subject to the provisions of this Act in the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards :

Provided as follows (that is to say) :—

The Corporation shall not construct the embankment of Royd Moor Reservoir or of any of the weirpools by this Act authorised of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment and three feet in addition :

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

Time for completion of works.

6. If the waterworks are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making and construction of those works or otherwise in relation thereto shall cease except as to such of them as shall then be completed.

Power to take lands.

7. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may stop up and discontinue such footpaths as are shown on the deposited plans as intended to be stopped up or as are included within the limits of the lands to be acquired compulsorily and which shall be acquired by the Corporation for the purposes of this Act :

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this



section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

A.D. 1927.

8. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act purchase or acquire any land forming part of Norwood's Common in the parish and urban district of Thurlstone but the Corporation may acquire such easements only in such land as they may require for the purpose of making and maintaining Work No. 13 by this Act authorised and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Acquisition of easement in respect of Norwood's Common.

The Corporation shall not be required or entitled to fence off or sever the portion of the said lands in respect of which they acquire such easements as aforesaid from the remainder of the said lands and shall as soon as practicable after breaking up the surface of the land restore the same to its former level and condition.

9. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the first day of October one thousand nine hundred and thirty.

Limit of time for compulsory purchase of lands.

10. The following provisions of the Act of 1896 and of the Act of 1923 shall extend and apply in regard to the waterworks and to the lands and waters authorised to be taken under the powers of this Act as if those provisions with the necessary modifications were re-enacted in this Act respectively (namely):—

Application of provisions of earlier Acts.

Of the Act of 1896—

Section 21 (For protection of West Riding County Council);

Section 45 (Prevention of plumbism).

Of the Act of 1923—

Section 4 (Interpretation);

Section 8 (Application of Waterworks Clauses Act 1847 to discharge pipes and telephones);

**Ch. xxi.]** *Barnsley Corporation* [17 & 18 GEO. 5.]  
(*Water*) Act, 1927:

A.D. 1927,

- Section 9 (For protection of Postmaster-General);
- Section 14 (Accommodation for workmen employed on construction of works);
- Section 15 (Temporary discharge of water into streams);
- Section 23 (Limiting powers of Corporation to abstract water);
- Section 26 (Power to hold lands for protection of waterworks);
- Section 51 (Corporation may acquire easements only in certain cases);
- Section 52 (Owners may be required to sell parts only of certain premises);
- Section 53 (Persons under disability may grant easements &c.);
- Section 55 (Compensation in case of recently acquired interest):

Provided that in their application to this Act:—

Sections 8 and 15 of the Act of 1923 shall be read and have effect as if the words “any railway company” were substituted therein for the words “the London and North Eastern Railway Company”;

Section 52 of the Act of 1923 shall be read and have effect as if the properties described in the schedule to this Act were described in the Third Schedule to that Act; and

Section 55 of the Act of 1923 shall be read and have effect as if the twentieth day of November one thousand nine hundred and twenty-six were therein mentioned instead of the eighteenth day of November one thousand nine hundred and twenty-two.

Extending  
period for  
completion  
of certain  
works.

**11.** The period limited by section 7 of the Act of 1923 for the completion of Works No. 4 No. 5 and No. 7 by that Act authorised and of so much of Work No. 3 by that Act authorised as will be situate to the east of the point of termination of Work No. 13 by this Act authorised is hereby extended until the

thirtieth day of September one thousand nine hundred and thirty-five. A.D. 1927.

12. The powers conferred upon the Corporation by section 46 of the Act of 1923 for the compulsory purchase of the lands required for the construction of Works No. 4 No. 5 and No. 7 by that Act authorised and for so much of Work No. 3 by that Act authorised as will be situate to the east of the point of termination of Work No. 13 by this Act authorised are hereby revived and extended and subject to the provisions of the Act of 1923 the Corporation may before the thirtieth day of September one thousand nine hundred and thirty enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of Works No. 4 No. 5 and No. 7 and of the portion of Work No. 3 in this section mentioned.

Revival and extension of powers to acquire certain lands.

13. Subject to the provisions of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes thereof the limits within which the Corporation are for the time being authorised to supply water shall be deemed to be the district :

Powers in relation to water mains.

Provided that the Corporation shall not exercise such powers under or across any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

14. The Corporation may make and carry into effect agreements with the owners lessees and occupiers of any lands within the drainage area of any of the intakes by this Act authorised with reference to the execution by the Corporation 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 Corporation flowing to upon or from such lands directly or derivatively into any of such intakes.

Power to agree as to drainage of lands &c.

[Ch. xxi.] *Barnsley Corporation* [17 & 18 GEO. 5.]  
(Water) Act, 1927.

A.D. 1927.

As to  
exercise of  
powers of  
section 12  
of Water-  
works  
Clauses  
Act 1847.

**15.** The Corporation may on any lands held by them for the purposes of the water undertaking execute for the purposes of or in connection with that undertaking any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

Power to  
take  
waters.

**16.** Subject to the provisions of this Act the Corporation may by means of the waterworks collect use divert and appropriate for the purposes of the water undertaking the waters of the streams known as Long Grain Short Grain Higher Cat Clough and Lower Cat Clough and of the stream (unnamed) flowing along the eastern boundary of the enclosure numbered 174 in the urban district of Thurlstone on the  $\frac{1}{2500}$  Ordnance map Yorkshire (West Riding) sheet CCLXXIII. 10 (second edition 1905) and of Town Brook and the several feeders or tributaries thereof and all such other springs streams and waters other than the waters of the stream known as Maze Brook as may be intercepted by the waterworks.

Provision  
for con-  
struction of  
Work  
No. 11.

**17.** Work No. 11 by this Act authorised shall be so constructed and thereafter maintained by the Corporation that all water draining thereto shall be diverted by means thereof round Work No. 10 by this Act authorised and into the stream known as Maze Brook immediately below the last mentioned work and the Corporation shall not intercept any water by means of the said Work No. 10 nor store any water therein until the said Work No. 11 shall have been completed.

Restriction  
on taking  
of waters.

**18.—**(1) The Corporation shall not appropriate for the purposes of the water undertaking any water from any of the streams mentioned in the first column of the following table until they shall have constructed therein the weir and intake set opposite the name of that stream in the second column thereof nor during such time as the flow of water in that stream at through or past the said

weir therein shall be less than at the minimum rate (hereinafter referred to as "the prescribed minimum rate") mentioned in respect of that stream in the third column of that table:—

A.D. 1927.

Stream. (1)	Weir and Intake. (2)	Prescribed Rate of minimum flow per day of 24 hours. (3)
Long Grain - -	Work No. 1 by this Act authorised	gallons. 182,000
Short Grain - -		
Higher Cat Clough -	Work No. 3 by this Act authorised.	327,000
Lower Cat Clough -	Work No. 4 by this Act authorised.	52,000
Town Brook - -	Work No. 7 by this Act authorised.	89,000

(2) Each weir and intake mentioned in the foregoing table shall be so designed and constructed and maintained by the Corporation that—

(a) so long as water is flowing over through or past the weir at a rate not greater than the prescribed minimum rate in respect of the stream on which the weir is situate no water can be appropriated by the Corporation by means of that weir or intake and all the water flowing over through or past the weir shall pass down the stream; and

(b) so long as water is flowing over through or past the weir at a rate in excess of the prescribed minimum rate in respect of the stream on which the weir is situate the flow at the prescribed minimum rate in respect of that stream shall pass down the stream and only the excess flow or so much thereof as may be required by the Corporation can be appropriated by them.

(3) The design of each weir and intake mentioned in the foregoing table shall be reasonably approved by the engineer of the millowners before construction and each such weir and intake shall be open at all reasonable times to the inspection and examination of the millowners the fishery board and all persons interested therein.

[Ch. xxi.] *Barnsley Corporation* [17 & 18 GEO. 5.]  
(*Water*) Act, 1927.

A.D. 1927.

(4) In case of any neglect on the part of the Corporation to maintain any of the said weirs or intakes in a state of efficiency and in case of any other neglect or act on the part of the Corporation by or in consequence of which water which is required under the provisions of this section to pass down the stream shall be appropriated by the Corporation they shall for every day on which such neglect occurs forfeit and pay to each of the millowners the fishery board and other persons injuriously affected thereby who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such millowners fishery board or other persons or any of them.

(5) If any difference arises between the Corporation and the millowners or their engineer or the fishery board or any person so interested as aforesaid with respect to the construction or use of any of the said weirs and intakes or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either party (after notice in writing to the other party to the difference) by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply.

Saving  
rights of  
millowners.

19. Save as by this Act specifically provided nothing herein contained shall be held to take away diminish prejudice or affect the property rights powers or privileges of the millowners or any of them but all such property rights powers and privileges shall and may continue to be held exercised and enjoyed by them respectively in the same manner as they could or might have been if this Act had not been passed.

For protec-  
tion of Hep-  
worth Iron  
Company  
Limited.

20. For the protection of the Hepworth Iron Company Limited (in this section referred to as "the company") the following provision shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

The Corporation shall not do or suffer to be done under the provisions of the section of this Act of which the marginal note is "Power to agree as to drainage of lands &c." or any agreement entered into under the said provisions anything

which shall directly or indirectly cause or result in the diversion from any intake borehole or other work of the Company of any water which now flows or percolates to or into any such intake borehole or other work.

A.D. 1927.

21. For the protection of the Thurlstone Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Corporation have effect (that is to say):—

For protection of Thurlstone Urban District Council.

In the exercise of the powers of this Act the Corporation shall not interfere with the natural flow of—

(a) The spring issuing from the ground at a point between the stream known as Crowbrook Grain and the boundary of the Thurlstone Urban District one hundred and sixty-three yards or thereabouts measured in a direction north-west by west from the confluence of Crowbrook Grain with Town Brook; or

(b) The spring issuing from the ground at a point thirty-seven yards or thereabouts measured in a northerly direction from the tank situate on the boundary of the enclosures numbered 12 and 13 on the  $\frac{1}{2500}$  Ordnance map Yorkshire (West Riding) sheet CCLXXII. 16 (second edition 1905); or

(c) The springs which are situate in the Bance Edge Plantation being the enclosure numbered 172 on the same Ordnance map sheet CCLXXX. 4 (second edition 1905) and the waters of which are at the passing of this Act used by the Council for the purposes of their water undertaking.

22. The provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to and with respect to the exercise by the Corporation of the powers conferred by this Act and shall be deemed to extend to lines or works constructed upon or above the level of the ground and the Corporation shall not interfere with the lines or works of the Yorkshire Electric Power

For protection of Yorkshire Electric Power Company and Electrical Distribution of

A.D. 1927.

Yorkshire  
Limited.

Company or of Electrical Distribution of Yorkshire Limited except in accordance with such provisions.

For pro-  
tection  
of London  
and North  
Eastern  
Railway  
Company.

**23.**—(1) The provisions of section 12 (For protection of London and North Eastern Railway Company) and section 49 (Saving for lands of London and North Eastern Railway Company) of the Act of 1923 shall extend and apply to the lands railways and works belonging to that company as if those sections had been re-enacted in this Act in relation to Work No. 2 Work No. 6 and Work No. 9 by this Act authorised and the lands required for the construction maintenance repair and renewal thereof.

(2) Notwithstanding anything in this Act contained the Corporation shall not enter upon take or use any part of the properties numbered on the deposited plans 7 and 11A in the urban district of Thurlstone.

For pro-  
tection of  
London  
Midland  
and Scot-  
tish Rail-  
way Com-  
pany.

**24.** The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section called “the company”) shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say) :—

(1) The Corporation shall not under the powers of this Act take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such easement or right in under and upon the lands property and works of the company as may be required for making and maintaining in accordance with the provisions of this Act Work No. 13 by this Act authorised (hereinafter referred to as “the authorised work”) :

(2) Before constructing the authorised work or any subsequent repairs thereof the Corporation shall submit to the company plans sections and particulars thereof for the approval of the company which approval shall not be unreasonably withheld Provided that if at the expiration of twenty-eight days from such submission the plans sections and particulars shall not be approved by the company there shall be deemed to be a difference which



difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned :

- (3) The authorised work where it passes beneath the said railway shall be carried within a culvert of sufficient height and width with manholes at each end thereof to admit of the same being examined repaired and renewed and such culvert shall extend to the fences of the railway The top of such culvert shall be not less than three feet below the level of the rails of the said railway at the point of crossing and below the level of the company's existing drains or ditches :
- (4) Before the Corporation commence the construction of the authorised work on the land or property of the company any temporary works which may in the opinion of the engineer of the company be reasonably necessary to ensure the stability of the said railway and works may be carried out by the company and the reasonable costs thereof and any expense incurred in connection therewith (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the company in and about such works) shall be repaid by the Corporation to the company on demand :
- (5) The provisions of subsections (2) to (9) inclusive of section 13 (For protection of London Midland and Scottish Railway Company) of the Act of 1923 shall extend and apply to the lands railways and works belonging to the company as if those subsections had been re-enacted in this section in relation to the authorised work :
- (6) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the

A.D. 1927.

other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Thomas Tomasson and Son.

**25.**—For the protection of Thomas Tomasson and Son (in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

In making and maintaining work No. 9 by this Act authorised the Corporation shall not permanently interfere with any spring well drain or pipe which at the passing of this Act belongs to the company or to Hugh Skelton Tomasson of Thurlstone and situate on in or under the lands numbered 112 and 113 on the deposited plans for the parish of Thurlstone nor do or suffer to be done anything which shall directly or indirectly cause or result in the permanent diversion from any such spring well drain or pipe of any water which now flows or percolates from to into or through the same but nothing in this section shall prevent the Corporation from making and maintaining the said Work No. 9 and for that purpose temporarily interfering with any such spring well drain or pipe and temporarily diverting any such water as aforesaid.

For protection of West Riding County Council.

**26.** For the protection of the council of the administrative county of the West Riding of Yorkshire (in this section referred to as “the county council”) the following provisions shall unless otherwise agreed in writing between the county council and the Corporation have effect (that is to say):—

- (1) In relaying and enlarging the trunk main from Ingbirchworth Reservoir to the borough authorised by the Act of 1862 (for the purposes of which the Corporation are by this Act empowered to borrow money) where that main crosses or is to be relaid across any stream watercourse or drain the Corporation shall not diminish the width of such stream watercourse or drain between the banks thereof and shall relay the said main either at such a height above the level of such stream watercourse

A.D. 1927.

or drain as may be reasonably required to permit of the passage under the said main of flood water in such stream watercourse or drain or at such a depth below the level of the bed of such stream watercourse or drain as not to cause any obstruction to the flow of water therein and as to permit of the proper cleansing or scouring of the stream watercourse or drain and the deepening of the bed thereof to a reasonable extent for the purposes of or in connection with any necessary improvement or alteration :

- (2) The Corporation shall give notice in writing to the county council of the date or dates on which they intend to relay or enlarge the said main across over or under any stream watercourse or drain and such relaying or enlargement shall be carried out under the supervision (if after receiving such notice they choose to attend or be represented) of the county council and to their reasonable satisfaction in accordance with plans and sections to be submitted to and reasonably approved by the county council. Provided that if at the expiration of fourteen days from such submission the county council do not object in writing to the said plans and sections the same shall be deemed to be approved :
- (3) If any difference arises between the county council and the Corporation under the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

27.—(1) If at any time after the expiration of seven years from the passing of this Act the Penistone Urban District Council (hereinafter referred to as "the council") shall failing agreement between the council and the Corporation prove to the satisfaction of the Minister

Provision for supply to Penistone Urban District Council.

A.D. 1927. of Health at a local inquiry that the local sources of water supply of the council are or are likely to become exhausted or insufficient for the purpose of—

- (a) the supply of their own district; and
- (b) the supply in bulk by them under any agreement existing on the sixteenth day of March one thousand nine hundred and twenty-seven to the Penistone Rural District Council for the supply of the parishes of Oxspring Thurgoland and Cawthorne and the urban district of Darton or any renewal of such agreements for the time being in force;

or for either of those purposes and that the council will be unable to obtain a sufficient substituted or additional supply of water for the purposes aforesaid from any source which they may reasonably be called upon by the Corporation to develop then the Corporation shall supply to the council or such other authority if any as may be agreed upon between the council and the Corporation or failing such agreement determined by the Minister of Health for the needs of the urban districts and parishes aforesaid such a quantity or quantities of water at such point or points at such pressures and at such time or times and upon such terms and conditions (other than price) as in default of agreement shall be determined by the Minister.

(2) The price to be paid for any supply of water under this section shall be the price at which the Corporation are for the time being supplying water in bulk to other sanitary authorities under the provisions of section 39 (Corporation if required to supply water in bulk to sanitary authorities within limits of this Act) of the Act of 1896 as amended by section 34 (Amendment of section 39 of Act of 1896) of the Act of 1923.

Waterworks to form part of water undertaking.

**28.** Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of water rents rates and charges) be deemed part of the water undertaking as if they had been authorised by or included or referred to in the Act of 1862 the Act of 1896 or the Act of 1923.

Power to borrow.

**29.—**(1) The Corporation may from time to time independently of any other borrowing power borrow

at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the water revenue and as collateral security the district fund and general district rate of the borough and they shall pay off all moneys so borrowed within the respective periods (each of which shall be the prescribed period for the purposes of the enactments incorporated herewith) mentioned in the third column thereof (namely):—

A.D. 1927.

Purpose. (1)	Amount. (2)	Period for repayment. (3)
(a) For the acquisition of lands and easements for the water-works.	£ The sum requisite	Sixty years from the date or dates of borrowing.
(b) For the construction of Works No. 1 No. 3 No. 4 No. 7 No. 10 and No. 11 by this Act authorised.	181,800	Sixty years from the date or dates of borrowing.
(c) For the construction of Works No. 2 No. 5 No. 6 No. 8 No. 9 No. 12 and No. 13 by this Act authorised.	89,400	Forty-five years from the date or dates of borrowing.
(d) For the construction of Work No. 14 by this Act authorised.	16,000	Twenty years from the date or dates of borrowing.
(e) For filter beds - - -	17,000	Fifteen years from the date or dates of borrowing.
(f) For relaying and enlarging the trunk main from Ing-birchworth Reservoir to the borough authorised by the Act of 1862.	47,300	Forty-five years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The moneys which the Corporation are authorised to borrow under the Act of 1923 for the construction of Works No. 2 No. 4 and No. 6 by that Act authorised may be applied by them to the construction and enlargement of Works No. 2 and No. 4 by that

A.D. 1927. Act authorised and the amount of such moneys may be increased by the sum of three thousand pounds.

(b) The moneys which the Corporation are authorised to borrow under the Act of 1923 for the construction of Works No. 3 No. 5 and No. 7 by that Act authorised may be applied by them to the construction and enlargement of Works No. 5 and No. 7 and the portion in this Act referred to of Work No. 3 by the Act of 1923 authorised and the amount of such moneys may be increased by the sum of fifteen thousand five hundred pounds.

(3) The Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary for any of the purposes of this Act.

(4) (a) Any money borrowed under subsection (3) of this section shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(b) In order to secure the repayment of any money borrowed under subsection (3) of this section and the payment of interest thereon the Corporation may mortgage or charge the water revenue and as collateral security the district fund and general district rate of the borough.

(5) The provisions of this section shall not limit the powers conferred upon the Corporation by section 36 (Power to use one form of mortgage for all purposes) of the Act of 1914.

Amend-  
ment of  
section 88  
of Act of  
1923.

**30.** Each of the periods mentioned in subsection (1) and each period prescribed under subsection (2) of section 88 (Power to borrow) of the Act of 1923 shall be the prescribed period for the purposes of the enactments incorporated with that Act.

Certain  
provisions  
of Public  
Health Acts  
not to  
apply.

**31.** In calculating the sums which the Corporation may borrow under any other enactment any sums they may borrow under the Act of 1923 or under this Act shall not be reckoned. The powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of any of the Public Health Acts.

**32.** The following provisions of the Act of 1914 and of the Act of 1923 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely) :—

A.D. 1927.

—  
Applica-  
tion of  
financial  
provisions  
of Acts  
of 1914  
and 1923.

Of the Act of 1914—

- Section 3 (Interpretation);
- Section 25 (Mode of raising money);
- Section 26 (Provisions as to mortgages);
- Section 27 (Protection of lenders from inquiry);
- Section 28 (Corporation not to regard trusts);
- Section 29 (Mode of payment off of money borrowed);
- Section 30 (Sinking fund);
- Section 31 (Power to invest all sinking funds in statutory securities);
- Section 33 (Appointment of receiver);
- Section 39 (Application of money borrowed).

Of the Act of 1923—

- Section 89 (Amendment of section 30 of Act of 1914).

**33.**—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

Return to  
Minister of  
Health with  
respect to  
repayment  
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the borough accountant and shall be transmitted within one month after the making of the request and in the event of the town clerk failing to make such return or the borough accountant failing to make such declaration the officer so in default shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have

A.D. 1927. — 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 for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than that authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) All enactments in force immediately before the passing of this Act which require any return to be made to the Minister of Health as to the repayment of debt by the Corporation are hereby repealed.

Inquiries by  
Minister of  
Health.

**34.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by the Minister 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 the Minister not exceeding five guineas a day for the services of such inspector.

Application  
of section  
265 of Pub-  
lic Health  
Act 1875.

**35.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Crown  
rights.

**36.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.



**37.** 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 out of the water revenue or the district fund and general district rate of the borough or out of moneys to be borrowed under this Act for that purpose.

A.D. 1927.  
 —  
 Costs of  
 Act.

## THE SCHEDULE.

The SCHEDULE to which Section 52 of the Act of 1923 as incorporated with the foregoing Act refers.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY  
 MAY BE ACQUIRED BY THE CORPORATION.

Urban District or Rural District.	Parish.	Numbers on Deposited Plans.
Urban district of Thurlstone -	Thurlstone -	20 36 74 74A 101 101A.
Urban district of Hoylandswaine	Hoylandswaine -	37 49 67
Rural district of Penistone -	Silkstone -	2 3
Urban district of Dodworth -	Dodworth -	16 17

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
 Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :  
 Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;  
 York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
 15, Donegall Square West, Belfast;  
 or through any Bookseller.