



### CHAPTER xci.

An Act to confer further powers upon the Lord Mayor aldermen and citizens of the city of Manchester with reference to the construction of waterworks and the acquisition of lands and for other purposes. A.D. 1906.

[20th July 1906.]

**W**HEREAS it is expedient that the Lord Mayor aldermen and citizens of the city of Manchester (in this Act called "the Corporation") should be empowered to make and maintain the waterworks and to exercise the powers and to acquire the lands in this Act respectively mentioned or referred to :

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

And whereas an absolute majority of the whole number of the council at meetings held on the twenty-fifth day of October one thousand nine hundred and five and on the fifteenth day of November one thousand nine hundred and five after ten clear days notice by public advertisement of such meetings and of the purposes thereof in the Manchester Guardian newspaper being a local newspaper published or circulating in the city such notices being in addition to the ordinary notices required for summoning such meetings resolved that the expense in relation to promoting the Bill for this Act should be charged as to one half upon the city rate and as to the other half upon the tramways undertaking of the Corporation :

And whereas such resolutions were published twice in the said Manchester Guardian newspaper and have received the approval of the Local Government Board :

A.D. 1906.

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the seventh day of March one thousand nine hundred and six such meeting being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books 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 were duly deposited with the clerk of the peace for the county of Lancaster which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

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):—

Short title.

**1.** This Act may be cited for all purposes as the Manchester Corporation Act 1906.

Incorporation of Acts.

**2.**—(1) The following Acts and parts of Acts so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

(2) The Waterworks Clauses Acts 1847 and 1863 and the clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act.

(3) In the application of the Railways Clauses Consolidation Act 1845 to this Act the term "railway" shall mean the deviation of the aqueduct by this Act authorised and the expression "centre line of the railway" shall mean the centre line of the said deviation

and the prescribed limits for the purposes of section 32 of the said Act shall with respect to the said last-mentioned work be five hundred yards. A.D. 1906.

**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 thereto And in this Act unless the subject or context otherwise requires— Interpre-  
tation.

“The Corporation” means the Lord Mayor aldermen and citizens of the city of Manchester ;

“The city” means the city of Manchester ;

“The council” means the council of the city ;

“The town clerk” means the town clerk of the city ;

“The city rate” means the city rate of the city.

**4.** Any summons demand notice order or document (other than a conveyance contract or security) to be given made delivered or served by or on the part of the Corporation under this Act shall if signed by the town clerk be of the same effect as if sealed by the Corporation and the provisions of the fifty-first section of the Manchester Corporation Waterworks and Improvement Act 1867 shall apply to every such summons demand notice order or other document. Authentica-  
tion of  
notices &c.

**5.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county where such lands are situate and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans or books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate. Correction  
of errors &c.  
in deposited  
plans and  
books of  
reference.

A.D. 1906.

Plans &c. to  
be open to  
inspection.

**6.** A copy of the deposited plans sections and books of reference respectively shall be kept by the town clerk who shall permit any person to inspect the same at reasonable times and to make copies of and extracts from the same respectively on payment by any such person of one shilling for every inspection and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour and after the rate of sixpence for every one hundred words copied therefrom.

Certified  
copies of  
plans &c. to  
be evidence.

**7.** Copies of the deposited plans sections and books of reference or of any alteration or correction thereof or extract therefrom certified to be correct by the clerk of the peace for the county of Lancaster or by the town clerk which certificate such clerk of the peace and town clerk respectively shall give to all parties interested when required shall be received in all courts of justice or elsewhere as *primâ facie* evidence of the contents thereof.

Power to  
acquire  
lands.

**8.** Subject to the provisions and for the purposes of this Act the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference so far as the same relate to the waterworks authorised by this Act.

Power to  
acquire ease-  
ments &c.  
only for  
aqueduct.

**9.** The Corporation may in lieu of acquiring any lands for the purpose of the aqueduct authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing or enlarging the aqueduct and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

Limiting  
time for com-  
pulsory pur-  
chase of  
lands.

**10.** The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Power to per-  
sons under  
disability to  
grant ease-  
ments &c.

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

affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1906.

**12.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but

A.D. 1906.

not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Provided that this section shall not entitle the Corporation to take or interfere with the structure of any house or building forming part of any scheduled property.

**13.** Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the waterworks herein-after described and shown on the deposited plans together with all proper embankments bridges roads ways wells tanks basins gauges filters dams sluices waste weirs outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones engines works apparatus and conveniences connected with the said works or any of them or necessary for inspecting maintaining cleansing repairing conducting or managing the same :—

Power to  
make water-  
works.

A deviation of the aqueduct conduit or lines of pipes (No. 3) authorised by the Manchester Corporation (General Powers) Act 1904 commencing in the township of Levenshulme at a point on the said authorised line situate at the junction of the centres of Station Road and Broom Lane and terminating in the township or parish of Reddish in the borough of Stockport at a point on the said authorised line situate 130 yards or thereabouts from the centre of the bridge by which the Great Central Railway crosses the Sheffield and Midland Joint Railway measured in a southerly direction and seven yards from the easterly fence of the said Great Central Railway :

Provided that no telegraphs or telephones authorised by this section shall be used for transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

A.D. 1906.

As to abandonment of portion of aqueduct and compensation.

**14.**—(1) The Corporation may and shall abandon the construction of so much of the aqueduct conduit or lines of pipes (No. 3) authorised by the Manchester Corporation (General Powers) Act 1904 as lies between the commencement and termination of the deviation work by this Act authorised.

(2) The abandonment of the work herein-before mentioned shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845.

Works to be part of waterworks undertaking.

**15.** The deviation of the aqueduct conduit or lines of pipes (No. 3) authorised by this Act shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Corporation as if it had been authorised by the Manchester Corporation (General Powers) Act 1904.

Limits of deviation.

**16.** In the construction of the works authorised by this Act 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 three feet upwards and ten feet downwards.

For protection of Great Central Railway Company.

**17.** Notwithstanding anything shown on the deposited plans or in this Act contained the deviation of the aqueduct conduit or lines of pipes by this Act authorised shall be constructed by the Corporation in manner following viz. (a) between Broom Lane numbered 1 on the deposited plans and Pink Bank Lane numbered 65 on the deposited plans both in the urban district of Levenshulme at a distance of not less than 14 yards from the western fence of the Great Central Railway to the centre of the nearest line of pipes (b) between 4 furlongs 9 chains or thereabouts in field numbered 4 on the deposited plans and 1 mile



in field numbered 12 on the deposited plans in the borough of Stockport at a distance of not less than 14 yards from the eastern fence of the Great Central Railway to the centre of the nearest line of pipes (c) and between the last-mentioned point and the termination of the deviation and its junction with the aqueduct No. 3 authorised by the Manchester Corporation (General Powers) Act 1904 at a distance of not less than three yards from the eastern fence of the Great Central Railway to the centre of the nearest line of pipes. A.D. 1906.

**18.** The Corporation may apply any moneys borrowed or to be borrowed by them for waterworks purposes under the Manchester Corporation (General Powers) Act 1904 for or in connexion with the construction of the deviation of the aqueduct conduit or lines of pipes (No. 3) by this Act authorised. Power to apply moneys borrowed under General Powers Act of 1904.

**19.** The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act. Audit of accounts.

**20.** 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 and which were incurred prior to the 9th day of February 1906 shall be paid by the Corporation as to one half thereof out of the city rate and as to the other half out of the revenue of the tramway undertaking of the Corporation and all such costs charges and expenses which were incurred since the 8th day of February 1906 shall be paid by the Corporation out of the revenue of the waterworks undertaking of the Corporation. Costs of Act.

A.D. 1906.

The SCHEDULE referred to in the foregoing Act.

## BUILDINGS AND PREMISES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on deposited Plans.														
Urban district of Levens- hulme — deviation of Aqueduct No. 3.	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	32	33	34	35	36	37	38a	39	40	41	42	43	44	45	46
	47	48	49	50	51	52	53	54	55	56	57	59.			

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
 WYMAN AND SONS, LTD., FETTER LANE, E.C.; or  
 OLIVER AND BOYD, EDINBURGH; or  
 E. PONSONBY, 116, GRAFTON STREET, DUBLIN.