



CHAPTER lxxxvi.

An Act to confer further powers upon the mayor A.D. 1911.
aldermen and citizens of the city and county of
Kingston-upon-Hull in regard to their tramway and
water undertakings and for other purposes.

[18th August 1911.]

WHEREAS the mayor aldermen and citizens of the city
and county of Kingston-upon-Hull (in this Act called
“the Corporation”) are the owners of and are working an
extensive system of tramways within the city and county of
Kingston-upon-Hull (in this Act called “the city”) and it is
expedient to empower them to construct and work the additional
tramways referred to in this Act and to make further provision
in regard to their tramway undertaking:

And whereas the Corporation are the owners of works for
supplying and are supplying water in the city and in certain
districts in the neighbourhood thereof and it is expedient to
empower them to construct additional waterworks to extend
their limits for the supply of water and to confer further
powers upon them in connection with their water undertaking:

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

And whereas the purposes of this Act cannot be effected
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:—

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For and in connection with the construction of the tramways authorised by this Act - - -	£ 41,000
For the provision and erection of generating plant machinery posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act for rolling stock and for other tramway purposes - - - - -	51,000
For and in connection with the erection of additional buildings for tramway purposes and for the purchase of lands for and for and in connection with the extension and enlargement of the Corporation's tramway power station - - -	22,000
For the purchase of lands and easements for the purposes of Part III. (Water) of this Act and for the sinking and construction of the well or wells bores adits headings and other works and conveniences (except as hereinafter mentioned) comprised in the pumping station (Work No. 1) authorised by this Act - - - - -	30,500
For and in connection with the provision and erection of boilers engines pumps and other machinery for the purposes of the said pumping station - - - - -	25,000
For and in connection with the erection of the said pumping station workmen's cottages and boundary walls - - - - -	12,000
For and in connection with the erection of the water towers authorised by this Act - - - - -	5,500
For and in connection with the conduits authorised by this Act and for new mains extensions of mains and other waterworks purposes - - -	47,000

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of December nineteen hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in

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the Eastern Morning News a local newspaper circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged as to one half thereof on the borough fund and borough rate and as to one half thereof on the district fund and general district rate : A.D. 1911.

And whereas the said resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the thirteenth day of February nineteen hundred and eleven 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 east riding of the county of York and with the clerk of the peace for the city and county of Kingston-upon-Hull and 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) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the *Kingston-upon-Hull Corporation Act 1911.* Short title.

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Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Water.

Part IV.—Finance.

Part V.—Miscellaneous.

Incorporation of Acts.

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

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

(2) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section:

(3) 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 of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(4) Sections 13 to 21 of the Waterworks Clauses Act 1863.

Interpretation.

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

“The Corporation” means the mayor aldermen and citizens of the city and county of Kingston-upon-Hull;

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“The city” means the city and county of Kingston-upon-Hull; A.D. 1911.

“The limits of supply” means the limits within which the Corporation are for the time being authorised to supply water;

“The Act of 1881” “the Act of 1897” “the Act of 1901” “the Act of 1903” “the Act of 1906” and “the Act of 1907” mean respectively the Hull Corporation Loans Act 1881 the Kingston-upon-Hull Corporation Act 1897 the Kingston-upon-Hull Corporation Act 1901 the Kingston-upon-Hull Corporation Act 1903 the Kingston-upon-Hull Corporation Act 1906 and the Kingston-upon-Hull Corporation Act 1907;

The expressions “statutory security” and “statutory borrowing power” have respectively the meanings assigned to them by section 4 (Interpretation) of the Act of 1901;

The expressions “the council” “the town clerk” “the borough fund” “the borough rate” “the district fund” and “the general district rate” have respectively the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1906.

PART II.

TRAMWAYS.

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turnouts crossings passing places posts poles brackets wires waiting rooms carriage houses sheds depôts buildings engines works and conveniences connected therewith. Power to make tramways.

The tramways hereinbefore referred to and authorised by this Act will be situate in the city and are—

Tramway No. 1 (double line 2 furlongs 7·85 chains in length) commencing in Anlaby Road by a junction with

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the existing tramway at a point 1·15 chains or thereabouts measured in an easterly direction from the intersection of the centre lines of Anlaby Road and Brook Street passing along Brook Street across Paragon Square and along Jameson Street into George Street and terminating in the last-named street by a junction with the existing tramway at a point 1·24 chains or thereabouts measured in a north-easterly direction from the intersection of the centre lines of Savile Street and George Street:

Tramway No. 1A (single line 3·78 chains in length) commencing in Brook Street by a junction with Tramway No. 1 at a point 2·24 chains or thereabouts measured in a northerly direction from the intersection of the centre lines of Anlaby Road and Brook Street passing along Brook Street and Paragon Square and terminating in the said square by a junction with Tramway No. 1 at a point ·42 chain or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Brook Street and Jameson Street:

Tramway No. 2 (double line 4 furlongs 6·10 chains in length) commencing in Spring Bank West by a junction with the existing tramway at a point ·12 chain or thereabouts measured in a north-westerly direction from the intersection of the centre lines of the North Eastern Railway (Victoria Dock Branch) and Spring Bank passing along Spring Bank West and terminating in the last-named road at a point 4·90 chains or thereabouts measured in a westerly direction from the intersection of the centre lines of Chanterlands Avenue and Spring Bank West:

Tramway No. 3 (double line 2 furlongs 1·90 chains in length) commencing in Beverley Road by a junction with the existing tramway at a point 2·85 chains or thereabouts measured in a southerly direction from the intersection of the centre lines of Clough Road and Beverley Road passing along Beverley Road and terminating in such road at a point ·50 chain or thereabouts measured in a southerly direction from the intersection of the centre lines of Igglemire Lane and Beverley Road:

Tramway No. 4 (single line 7·14 chains in length) commencing in Anlaby Road by a junction with the existing

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tramway at a point 70 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of Wheeler Street and Anlaby Road passing along Wheeler Street and terminating on the west side of such street at a point 1 furlong 25 chain or thereabouts measured in a northerly direction from the intersection of the centre lines of Wheeler Street and Ringrose Street: A.D. 1911:

Tramway No. 5 (double line 4 furlongs 2·90 chains in length) commencing in Cottingham Road by a junction with the existing tramway at a point 1·80 chains or thereabouts measured in a westerly direction from the intersection of the centre lines of Newland Avenue and Cottingham Road passing along Cottingham Road and terminating in such road at a point 18 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of the westernmost road leading to Newland Park and Cottingham Road:

Tramway No. 6 (double line 6 furlongs 6·33 chains in length) commencing in Hessle Road by a junction with the existing tramway at a point 37 chain or thereabouts measured in a westerly direction from the intersection of the centre lines of Carlton Street and Hessle Road passing along the Hessle Road and terminating in such road at a point 20 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of the entrance road to Pickering Park and Hessle Road:

Provided that Tramway No. 5 shall not be constructed in Cottingham Road until that road has been widened so that a space of not less than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway on each side of the road.

6. The tramways authorised by this Act 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 Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of tramways.

7.—(1) The tramways authorised by this Act and the works connected therewith shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of Works to form part of tramway undertaking

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tion.

Part II. (Tramways) of the Act of 1906 and of the enactments incorporated therewith and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they had formed part of the tramways and works authorised by the Act of 1906 and were Corporation tramways within the meaning of that Act.

(2) Provided that—

(a) Nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations :

(b) In the exercise of the powers of section 8 (As to electrical works &c.) of the Act of 1906 no post or other apparatus shall be erected on the carriage-way except with the consent of the Board of Trade :

(c) The powers of subsection (1) of section 19 (Power to make additional crossovers and to double tramway lines) of the Act of 1906 shall not be exercised except with the consent of the Board of Trade.

Enlargement
of power
station.

8.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use the lands hereinafter referred to delineated on the deposited plans and described in the deposited books of reference and may upon such lands make and maintain an enlargement and extension of their electrical generating station for the working of their tramways together with all necessary or proper buildings machinery works and conveniences in connection therewith.

(2) The lands hereinbefore referred to comprise a piece of land containing two hundred and eighteen square yards or thereabouts situate on the north side of Osborne Street in the city and on the east side of the existing generating station of the Corporation and a piece of land containing seventy-six square yards or thereabouts situate on the north side of Osborne Street and on the west side of the said generating station.

Use of tram-
way posts by
Postmaster-
General.

9.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support

of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways authorised by this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such

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posts or standards farthest from the trolley wires
Any difference as to the conditions of attachment shall
be determined as hereinafter provided :

- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

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(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided. A.D. 1911.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section--

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

10. For the protection of the North Eastern Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say):—

For protection of North Eastern Railway Company.

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Notwithstanding anything contained in this Act or shown on the deposited plans—

- (1) Tramways Nos. 1 and 1A shall not be constructed otherwise than in accordance with the plan signed in duplicate by Robert Francis Dunnell and Herbert Alfred Learoyd. The Corporation shall not in the construction use and maintenance of Tramways Nos. 1 and 1A interfere with or impede the access to the company's Paragon Station and to their hotel any further than is reasonably necessary and no car using such tramways shall be stopped for the purpose of taking up or setting down passengers between the junction of Brook Street with Anlaby Road and the junction of Jameson Street with Paragon Square except between the lines marked AA and BB on the said plan:
- (2) The switch points at the junction of Tramway No. 2 with the existing tramway of the Corporation at Spring Bank shall be at least two feet six inches outside the gates of the level crossing of the company's railway:
- (3) In constructing Tramway No. 6 across the rails of the company now laid upon the level of the Hessle Road and known as the Hessle Road level crossing and in the execution and maintenance of the works in connection therewith by this Act authorised the same shall be constructed executed and maintained at the cost of the Corporation in accordance with a plan to be agreed upon by the engineers for the time being of the company and of the Corporation under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company unless after the said plan has been agreed and after seven days' notice has been given by the Corporation of their intention to commence such works such superintendence is refused or withheld. And the said tramway at the said level crossing and the said works in connection therewith including the roadway between the rails of the tramway and so much of the road as extends eighteen inches beyond the rails of and on each side of the said tramway shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of the company's engineer for

the time being and in default thereof the company may effect the necessary repairs and recover from the Corporation the cost thereof and any damages losses costs and expenses sustained by them by reason of such default:

- (4) The Corporation shall not stop their cars or otherwise interfere with or obstruct the traffic of the company on the said level crossing and the traffic of the company shall at all times have precedence of the traffic of the Corporation who shall be subject to such rules byelaws and regulations relating thereto as shall be agreed upon between the Corporation and the company :
- (5) The Corporation shall pay to the company on demand the cost of altering the company's culverts level crossing level crossing gates point and gate rodding locking and of all such work incidental thereto as may in the opinion of the company's engineer be necessary for laying Tramway No. 6 across the company's railway and shall also pay on demand the extra cost due to the construction or user of Tramway No. 6 of maintaining the altered works and the Corporation shall also pay the cost of providing and maintaining such safety devices as may be approved by the Corporation and the company or failing agreement as shall be approved by the Board of Trade Such safety devices as shall be provided shall be worked by the servants of the company and the Corporation shall pay to the company the cost of such working as certified by the company's engineer :
- (6) Any electric current required in connection with the said safety devices shall be provided by the Corporation and the company shall permit the Corporation to place a current meter and a switch or switches in the signal cabin :
- (7) Any works under this section in so far as they may affect or interfere with the works or property of the company shall if the company so require be executed by them at the reasonable expense of the Corporation If the company intend so to execute such works

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they shall give to the Corporation notice of their intention and shall commence execute and complete the said works with all reasonable despatch. Provided that unless the company give the said notice to the Corporation within fourteen days after receiving from the Corporation the notice hereinbefore prescribed the Corporation may in accordance with such plans sections and specifications and under such superintendence as aforesaid themselves proceed to execute the works:

(8) If the company shall hereafter in the exercise of their existing powers require to alter their railway where it will be crossed by Tramway No. 6 the Corporation shall afford to the company all reasonable and proper facilities for those purposes or any of them and if the company find it necessary for the purposes of this section that the working or user of any portion of the tramways upon the said level crossing or the approaches thereto be wholly or in part stopped or delayed or that such portion of the tramways be wholly or in part taken up or removed and if the company accordingly give to the Corporation seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramways shall be restored with all possible despatch and in such case the company shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid:

(9) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason

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of the execution alteration or failure of any of the intended works or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :

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- (10) The Corporation shall on demand pay to the company the reasonable expense of the employment by the company during the execution alteration or repair by the Corporation under this Act of any work affecting any railway or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them :
- (11) If having regard to the relative position of the works of the Corporation and the works of the company at the said Hessle Road level crossing it becomes advisable that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alterations and the reasonable expense of executing such works shall be borne by the Corporation :
- (12) The Corporation shall not without the consent in writing of the company purchase or take any property of the company but they may purchase and take such right or easement or privilege over or upon any lands or works of the company delineated on the deposited plans as shall be necessary for the purpose of laying and maintaining Tramway No. 6 and the Corporation shall not either temporarily or permanently enter upon use or interfere with any railway or property of the company save only as far as may be necessary for the purpose of constructing and maintaining the said tramway in accordance with the provisions of this Act ;

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(13) If any difference arises under this section between the Corporation and the company that difference shall be referred to arbitration under and in accordance with the provisions of the Arbitration Act 1889.

PART III.

WATER.

Works and Lands.

Power to
make water
works.

11. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited books of reference the following works in the city and in the east riding of the county of York (namely):—

Work No. 1 A pumping station together with a well or wells bores adits headings and other works and conveniences at Dunswell in the urban district of Cottingham:

Work No. 2 A conduit comprising one or more lines of pipes in the urban district of Cottingham commencing at Work No. 1 and terminating at or near to the junction of Millhouse Woods Lane and Northgate:

Work No. 3 A conduit comprising one or more lines of pipes in the urban district of Cottingham commencing by a junction with Work No. 2 in Creyke Beck Lane and terminating at the Cottingham pumping station of the Corporation:

Work No. 4 A conduit comprising one or more lines of pipes in the parish of Sutton in the rural district of Sculcoates commencing in the highway leading from Stoneferry to Sutton at the boundary of the city at or near to Leads Bridge and terminating in Holderness Road by a junction with Work No. 5 at the junction of Ings Road and Holderness Road:

Work No. 5 A conduit comprising one or more lines of pipes in the parish of Sutton in the rural district of Sculcoates and the parish of Bilton in the rural district of Skirlaugh commencing in Holderness Road at the boundary of the city and terminating in Holderness Road at its junction with Ganstead Lane:

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Work No. 6 A conduit comprising one or more lines of pipes in the parishes of Bilton Ganstead Coniston Ellerby Marton Rise Withernwick Great Hatfield Goxhill and Mappleton with Rowleston in the rural district of Skirlaugh commencing in Holderness Road at the termination of Work No. 5 and terminating in the highway known as the Old Hull Road or the Hatfield Road at the boundary of the urban district of Hornsea: A.D. 1911.

Work No. 7 A water tower in the parish of Marton in the rural district of Skirlaugh:

Work No. 8 A conduit comprising one or more lines of pipes in the parishes of Bilton and Wyton in the rural district of Skirlaugh the parish of Preston in the rural district of Sculcoates and in the parishes of Burstwick Halsham Rimswell South Frodingham and Owthorne in the rural district of Patrington commencing in Holderness Road at the termination of Work No. 5 and terminating in the Hull Road at the boundary of the urban district of Withernsea:

Work No. 9 A water tower in the parish of Rimswell in the rural district of Patrington:

Work No. 10 A conduit comprising one or more lines of pipes in the parish of Preston in the rural district of Sculcoates and in the borough of Hedon commencing at the boundary of the city and terminating in the main road leading from Hedon to Thorngumbald at the boundary of the said borough.

12. In addition to the foregoing works the Corporation may upon the lands delineated on the deposited plans and described in the deposited books of reference when acquired by them and upon the lands now vested in the Corporation for the purposes of their water undertaking make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to any of their waterworks but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Subsidiary works.

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Limits of
deviation.

13. In the construction of the works authorised by this Part of 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 ten feet upwards and to any extent downwards. Provided that except for the purpose 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.

Power to
take lands
and waters.

14. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands (other than highways under the jurisdiction of the Cottingham Urban District Council) delineated on the deposited plans and described in the deposited books of reference and they may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs and waters as will or may be intercepted by the works authorised by this Part of this Act.

Corporation
may acquire
easements
only in cer-
tain cases.

15.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the conduits authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes 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.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect

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Act, 1911.

of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision. A.D. 1911.

16.—(1) If the works authorised by this Part of this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Period for completion of water-works.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the pumping station make additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

17. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them (other than the lands already acquired by the Corporation in the neighbourhood and for the purposes of the Cottingham pumping station of the Corporation) unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Corporation to abstract water.

18.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks 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 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847. Power to purchase additional lands by agreement.

(2) 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

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A.D. 1911. persons in their employment and such buildings and works as may be incident to or connected with their undertaking.

Dwelling-houses for persons in Corporation's employment.

19. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

Application of Act of 1901.

20. The following provisions of the Act of 1901 shall subject to the provisions of this Act extend and apply to the works authorised by this Part of this Act and shall have effect as if in addition to the Corporation's existing pumping station at Cottingham therein referred to the pumping station authorised by this Act were also mentioned (namely):—

Section 38 (Powers to hold lands for protection of waters and works);

Section 39 (Lease of lands);

Section 40 (Reservation of water rights &c. on sale);

Section 41 (Power to agree as to drainage of lands &c.);
and

Section 42 (Byelaws for securing purity of water).

Temporary discharge of water into streams.

21.—(1) For the purpose of constructing enlarging extending repairing cleansing using or examining any of the works belonging to them or which they are authorised to construct the Corporation may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised with reference to any stream or watercourse belonging to or vested in the Beverley and Barmston Drainage Commissioners without the consent of those commissioners.

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22. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking Provided that the erection or laying down of such telephone or telegraph posts wires conductors or apparatus within the urban district of Cottingham shall be subject to the provisions of the Telegraph Act 1863.

A.D. 1911.
Application
of Water-
works
Clauses Act
1847 to con-
duits dis-
charge pipes
telephones
&c.

23. Any telephone or telegraph posts wires conductors apparatus or other means of electric communication erected laid down or maintained by the Corporation under the authority of this Act shall not be used for transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1909 and shall be so erected and laid down as not to interfere in any way with any telegraphic line belonging to or used by the Postmaster-General.

For protec-
tion of
Postmaster-
General.

24.—(1) The Corporation shall have and may exercise the powers which a local authority have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits of supply of the Corporation shall be deemed to be their district and the Corporation may accordingly if they think fit exercise such powers for the purpose of constructing and maintaining the conduits authorised by this Act.

Powers in
relation to
water mains.

(2) Provided that the exercise of such powers upon any road repairable by the Cottingham Urban District Council shall be subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

25. For the protection of the Holderness Drainage Trustees (in this section referred to as "the trustees") the following provisions shall except so far as may be otherwise agreed between the trustees and the Corporation be observed and have effect (that is to say):—

For protec-
tion of
Holderness
Drainage
Trustees.

(1) All pipes and works of the Corporation where the same cross or are placed near any drains of the trustees

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shall be made and kept watertight and shall be so laid down maintained and repaired by the Corporation as not to cause any damage or injury to the drains banks and works of the trustees or the free passage of the water in and along the drains:

- (2) In laying any water main either over or under any drain or bridge of the trustees the Corporation shall carry out the work to the reasonable satisfaction of the trustees' surveyor:
- (3) Any wash-out pipe valves or fittings which the Corporation may require to fix for the purpose of discharging water into any drain of the trustees shall be fixed and maintained to the reasonable satisfaction of the trustees' surveyor:
- (4) Where any trench is cut or pipe is laid parallel to any drain belonging to the trustees no part of the trench or pipe shall be placed between the banks of the drain nor at a less distance than fifteen feet measuring horizontally from the top of the slope of the nearest bank of such drain:
- (5) If the trustees at any time require to alter any of their drains or works upon across under or over which any work of the Corporation has been constructed or laid the Corporation shall either permanently or temporarily lower or raise such work at the request of the trustees or shall at the request of the trustees remove the work to some other position to be agreed upon and restore the ground from which the work was removed as nearly as may be to its former condition Provided that if any difference shall arise under this subsection between the trustees and the Corporation such difference shall be referred to and determined by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers:
- (6) The Corporation shall at all times keep the trustees and the owners and occupiers of lands within the trustees' drainage area indemnified against all claims and damages losses costs and expenses which they may sustain or incur or be liable for by reason or in consequence of the laying down maintaining and using

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Act, 1911.

or the bursting or failure of any of the mains pipes or works of the Corporation or the leakage of water therefrom: A.D. 1911.

(7) Except as by this Act expressly provided nothing in this Act contained shall be construed to take away lessen prejudice alter or affect any of the rights privileges powers or authorities of the trustees.

26.—(1) All pipes or mains to be laid under any of the drains under the jurisdiction or control of the commissioners of sewers for the east parts of the east riding of the county of York (hereinafter referred to as “the commissioners of sewers”) shall be laid so that the top of any such pipe or main shall be at least two feet below the bottom of any such drain and the work in connection with the laying of any such pipe or main or any subsequent repair thereof shall in no way endanger or weaken the banks or obstruct the waterway of any such drain. For protec-
tion of commis-
sioners of
sewers for
east parts of
east riding
of county of
York.

(2) Should the work in connection with the laying of any such pipe or main as aforesaid not be done to the satisfaction of the commissioners of sewers or their surveyor for the time being the Corporation shall within ten days of the receipt of any notice on behalf of the commissioners of sewers rectify and make good any defect in accordance with such notice to the satisfaction of the commissioners of sewers or their surveyor for the time being.

(3) The Corporation shall compensate indemnify and keep harmless the commissioners of sewers for and from all such damage as they may sustain in respect of any of the aforesaid work.

27. For the protection of the Beverley and Barmston Drainage Commissioners being the commissioners acting in execution of the Beverley and Barmston Drainage Acts 1798 and 1880 (in this section referred to as “the commissioners”) the following provisions shall except as far as may be otherwise agreed between the commissioners and the Corporation be observed and have effect (that is to say):— For protec-
tion of
Beverley and
Barmston
Drainage
Commis-
sioners.

(1) Any water main pipe or work of the Corporation to be laid under any drain of the commissioners shall be laid so that the top or upper surface of such main pipe or work shall be at least two feet below the solid or natural bed of such drain:

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A.D. 1911.

- (2) All water mains pipes and works of the Corporation where the same cross or are placed near any drain of the commissioners shall be made and kept water-tight and shall be so laid down and maintained and repaired by the Corporation as not to cause any damage or injury to the drains banks and works of the commissioners or the free passage of water in and along the drains:
- (3) In laying any water main pipe or work over or under any drain or bridge of the commissioners the Corporation shall carry out the work to the reasonable satisfaction of the engineer of the commissioners:
- (4) Where any trench is cut or water main or pipe is laid parallel to any drain of the commissioners no part of the trench main or pipe shall be placed between the banks of the drain nor at a less distance than fifteen feet measuring horizontally from the top of the slope of the nearest bank of such drain:
- (5) If the commissioners at any time require to alter any of their drains or works upon across under or over which any work of the Corporation has been constructed or laid the Corporation shall either permanently or temporarily lower or raise such work at the request of the commissioners or shall at the request of the commissioners remove the work to some other position to be agreed upon and restore the ground from which the work was removed as nearly as may be to its former condition:
- (6) If any dispute or difference shall arise between the commissioners and the Corporation under subsection (3) or subsection (5) of this section the same shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers:
- (7) The Corporation shall at all times keep the commissioners and the owners and occupiers of lands within the commissioners' drainage area indemnified against all claims and damages losses costs and expenses which they may sustain or incur or be liable for by reason or in consequence of the laying down maintaining

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Act, 1911.

and using or the bursting or failure of any of the mains pipes or works of the Corporation or the leakage of water therefrom: A.D. 1911.

- (8) Except as by this Act expressly provided nothing in this Act contained shall be construed to take away lessen prejudice alter or affect any of the rights privileges powers or authorities of the commissioners.

28. The following provisions for the protection of the North Eastern Railway Company (hereinafter called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:— For further protection of North Eastern Railway Company.

- (1) All mains and pipes including pipes for the conveyance of steam laid or proposed to be laid by the Corporation under the powers of this Act over under or along any railway street land work or other property of the company shall if they are carried over any railway be so carried that the bottom of any such main or pipe or the girder carrying the same shall in no case be nearer the top of the rails of the railway than fifteen feet six inches and if they are carried under the railway shall be carried in pipes or culverts of sufficient dimensions to admit of such mains or pipes being relaid or repaired without interference with the railway the top of any such pipes or culverts in no case being nearer the bottom of the rails of the railway than three feet and six inches and in laying and maintaining any mains pipes culverts or other works upon along or across or under any street land work or other property of the company the Corporation shall execute the work under the direction and superintendence and to the reasonable satisfaction of the engineer of the company and in accordance with plans drawings and specifications previously submitted to and approved by him or as in case of difference may be determined by arbitration as hereinafter provided and shall pay and make good to the company all loss damages and expenses which the said company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other

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A.D. 1911

accident to any main or pipe of the Corporation or otherwise howsoever:

- (2) If at any time it is found necessary in order to enable the company to carry out any alterations or extensions of their railway or works that the position of any such mains pipes or culverts as shall be outside the present boundary of the city shall be altered the Corporation shall on receiving notice in writing from the company so to do alter the position of the same so far as may be necessary to enable the company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position. If the company give to the Corporation notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any railway or work belonging to them the company may themselves execute such works and alterations and recover the reasonable cost thereof from the Corporation:
- (3) Any difference which shall at any time arise between the Corporation and the company under any of the provisions of this section shall be determined by a single arbitrator to be appointed by the parties and consenting to act or if for one month after the difference shall have arisen the parties do not agree upon an arbitrator who will consent to act then by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party:
- (4) The Corporation shall not without the consent in writing of the company purchase or take any property of the company but they may purchase and take such right or easement or privilege over or upon any lands or works of the Company delineated on the deposited plans as shall be necessary for the purpose of laying and maintaining the mains and pipes and other works by this Act authorised and the Corporation shall not either temporarily or permanently enter upon use or interfere with any railway or property of the company save only as far as may be necessary for

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Act, 1911.

the purpose of constructing and maintaining the said works in accordance with the provisions of this Act Provided always that nothing in this Act contained shall enable the Corporation to interfere with any station or other building of the company without their consent in writing first had and obtained.

A.D. 1911.

29.—(1) If at any time the supply of water to the existing cattle watering places or springs within the limits of supply in the Newland or Skidby wards or districts of the Cottingham Urban District Council or within two hundred yards of the western boundary of the former district shall have become insufficient by reason of the execution of the powers conferred by this Act the Corporation shall on receipt of a request from the clerk of the said Cottingham Urban District Council pump such amount of water not exceeding one hundred thousand gallons per diem into the Pan Bottom drain on the Dunswell Road as shall suffice to supply the ditches or dykes in connection therewith with water to the satisfaction of the said urban district council.

Supply to watering places injuriously affected.

(2) Provided that in the event of any difference arising between the Corporation and the said urban district council as to the sufficiency of the supply of water to the said places or springs or as to whether the insufficiency (if any) of such supply is caused by the execution by the Corporation of the said powers such difference shall be referred to the arbitration of an engineer to be jointly appointed by the Corporation and the said urban district council or in case of disagreement by the President of the Institution of Civil Engineers but pending the decision of such engineer the Corporation shall pump such amount of water as aforesaid into the said drain so long as they are required so to do by the said Cottingham Urban District Council.

30.—(1) If it shall be proved that the pumping by the Corporation at the pumping station Work No. 1 by this Act authorised has caused any diminution of the supply in any private well existing at the time of the erection of the said pumping station or of the construction by the Corporation of any well from which water is pumped at the said pumping station such private well being situate in the parish of Rowley Woodmansey St. Martins Beverley or Thearne within a radius of two miles from the said station or has caused any diminution

Provision where existing wells affected.

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A.D. 1911. of the supply in any private well situate in the portion of the urban district of Cottingham bounded on the east by the River Hull on the south by the city of Hull on the west by the nine-foot drain and the Pan Bottom drain and in the northern part of such district enclosed by a line commencing in the Pan Bottom drain at its junction with Dunswell Lane and extending in a westerly direction to the point where the above-mentioned radius line of two miles (within the rural district of Beverley) meets the boundary of the Cottingham district and from thence extending along such boundary line in an easterly direction to the River Hull shown on the Plan No. 1 signed by Herbert Alfred Learoyd on behalf of the Corporation and by John Seymour Moss Blundell clerk of the said urban district council the Corporation shall upon the written request of the owner of any such private well as aforesaid (in this section referred to as "the owner" which term shall include any lessee or occupier) afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the Corporation's well the pumping from which has caused such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(2) The Corporation may if they think fit in lieu of making good the diminution of supply from any such well deepen the affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings or headings.

(3) If the Corporation do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to any such owner for such diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The Corporation shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the well in respect of which the claim is made

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for the purpose of ascertaining particulars thereof and the level of the water therein. A.D. 1911.

(5) Any question or dispute arising under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

31.—(1) If it shall be proved that the pumping by the Corporation at the pumping station Work No. 1 by this Act authorised has caused any diminution of the supply in any one or more of the four wells or borings of the North Eastern Railway Company situated at Beverley Park Gates Cottingham Station Cottingham North Gates or Thwaite Gates Crossing the Corporation shall upon the written request of the North Eastern Railway Company afford to them a supply of water equal to the amount of such diminution as so proved at such cost or rate as that the total cost to the company of obtaining their supply shall be the same after as before the construction of the Corporation's well the pumping from which shall have caused such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

For protec-
tion of
existing
wells of
North
Eastern
Railway
Company.

(2) The Corporation may if they think fit in lieu of making good the diminution of the supply from any such well deepen the affected well or boring or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the Company shall without making any charge therefor give the Corporation their officers and servants access and every facility for carrying out such deepening borings or headings.

(3) If the Corporation do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to the North Eastern Railway Company for such diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The Corporation shall not be liable in respect of any claim made by the company under this section if they shall have failed to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the well or boring in respect of which the claim is made for the purpose of ascertaining particulars thereof and the levels of the water therein.

A.D. 1911.

(5) Any question or dispute arising under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of Cot-
tingham
Urban Dis-
trict Council.

32. The provisions of section 99 (Corporation to supply water to Cottingham Urban District Council) of the Act of 1897 shall remain and have effect for the protection of the Cottingham Urban District Council so long as there is an adequate yield of water from the waterworks at Cottingham authorised by the Kingston-upon-Hull Corporation Water Act 1884 or from the works authorised by this Act if and when the works last named shall have been constructed.

Supply of Water.

Extension of
limits of
supply.

33.—(1) From and after the passing of this Act the limits of supply shall be extended so as to include in addition to the area comprised within the limits described in the Fourth Schedule to the Act of 1897 the rural district of Patrington and the rural district of Skirlaugh both in the east riding of the county of York and those districts are in this Act referred to as “the new limits of supply.”

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the new limits of supply all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have may exercise and are subject to within the limits of supply of the Corporation under the Act of 1897 and subject as aforesaid the provisions of that Act of the Act of 1901 and of the Act of 1903 relating to the supply of water and of the enactments incorporated therewith and any byelaws or regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to and within the new limits of supply Provided that—

(a) Section 86 (Maintenance of common pipe) of the Act of 1897 shall not extend and apply to and within the new limits of supply:

(b) Nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws or regulations.

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34.—(1) If at any time after the expiration of five years from the passing of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act throughout the district of any local authority within the new limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the new 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 Corporation as if in either case this Act had not been passed.

A.D. 1911.
Power to local authority &c. to supply water in case Corporation fails to supply.

(2) If any difference shall arise between the Corporation 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 by an arbitrator to be appointed on the application of either party by the Local Government Board.

35.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the new limits of supply who may be entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say):—

Rates for supply of water for domestic purposes in new limits of supply.

- (a) Where the gross estimated rental of the premises so supplied does not exceed five pounds the sum of eight shillings and eightpence:
- (b) Where such gross estimated rental exceeds five pounds but does not exceed thirty pounds a rate not exceeding ten pounds per centum of such gross estimated rental:
- (c) Where such gross estimated rental exceeds thirty pounds but does not exceed fifty pounds a rate not exceeding nine pounds and ten shillings per centum of such gross estimated rental:
- (d) Where such gross estimated rental exceeds fifty pounds but does not exceed seventy pounds a rate not exceeding nine pounds per centum of such gross estimated rental:

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(e) Where such gross estimated rental exceeds seventy pounds but does not exceed one hundred pounds a rate not exceeding eight pounds and ten shillings per centum of such gross estimated rental:

(f) Where such gross estimated rental exceeds one hundred pounds a rate not exceeding eight pounds per centum of such gross estimated rental.

(2) Nothing in this section shall entitle the Corporation 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 than they would be entitled to demand if such house or part thereof were of just sufficient value to bring it within the next division of the said scale relating to premises of a higher value whereon a lower rate per centum is chargeable.

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

(4) In addition to the foregoing rates the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the new limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for
baths in ex-
isting limits.

36. In addition to the water rate which the Corporation are authorised to charge for the supply of water for domestic purposes in respect of premises situate within the limits within which the Corporation were empowered to supply water immediately before the passing of this Act they may charge in respect of every

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fixed bath in such premises capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and in respect of every fixed bath in such premises capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. A.D. 1911.

37.—(1) Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. Rates payable by owners of small houses.

(2) The Corporation may enter into agreement with the owner of any premises whereof the rateable value does not exceed the sum of ten pounds for the payment of a water rate in respect of such premises whether the same be occupied or unoccupied and such rate shall be recoverable in all respects as a water rate.

38.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus. Detection of waste.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that the Corporation shall not under the powers of this section interfere with the access to any passenger or goods station of the North Eastern Railway Company.

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Supply by
measure.

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

Price of
supply by
measure.

40. The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons.

Notice to
Corporation
of connect-
ing or dis-
connecting
meters.

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

(2) Provided that the provisions of this section shall not apply to any subsidiary meter on any property of the North Eastern Railway Company when the water has already passed through a meter at or near to the boundary of the company's estate.

Injuring
meters &c.

42.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage sustained by them.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any

pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable. A.D. 1911.

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

43.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. As to communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the city execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

44. For the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of the Crown estates at Swine Sunk Island and Welwick a guarantee or contract by the Commissioner of Woods for the time being in charge of such As to supply to Crown estates.

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A.D. 1911. estates for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between the said Commissioner and the Corporation shall be accepted or entered into by the Corporation in lieu of any guarantee or contract which they might but for this provision have required from any tenant or occupier within the said Crown estates demanding a supply of water.

Guarantees
by urban and
rural district
councils.

45.—(1) Any urban or rural district council the district under whose jurisdiction is in the whole or in part within the limits of supply of the Corporation may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply within any part of such district which is within the limits of supply of the Corporation of water by means of such main pipe or works.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Corporation under this section.

Guarantees
by East
Riding
County
Council.

46.—(1) The East Riding County Council (hereinafter referred to as "the council") may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between the council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply within any part of the rural district of Patrington of water by means of such main pipe or works.

(2) Any payments made by the council under any such guarantee or contract as aforesaid shall be deemed to be made as payments for a special county purpose within the meaning of

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the Local Government Act 1888 and county contributions may be levied for the amount of any such payments on all or any of the parishes in the said rural district in accordance with the provisions of section 68 of the said Act. A.D. 1911.

47.—(1) The Corporation and the local authorities hereinafter mentioned may enter into and carry into effect contracts and agreements for and in relation to the supply of water by the Corporation to such authorities respectively. Supply in bulk to Hedon Hornsea and Withernsea.

(2) The local authorities hereinbefore referred to are the mayor aldermen and burgesses of the borough of Hedon the Hornsea Urban District Council and the Withernsea Urban District Council.

48. The provisions of the Act of 1897 referred to in the schedule to this Act are hereby repealed to the extent mentioned in that schedule. Partial repeal of Act of 1897.

PART IV.

FINANCE.

49.—(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 they shall repay all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):— Power to borrow.

1	2	3
Purpose.	Amount.	Period.
(a) For and in connection with the construction of the tramways authorised by this Act.	£ 41,000	Thirty years from the date or dates of borrowing.
(b) For the provision and erection of generating plant machinery posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act for rolling stock and for other tramway purposes.	51,000	Twenty years from the date or dates of borrowing.

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1	2	3
Purpose.	Amount.	Period.
(c) For and in connection with the erection of additional buildings for tramway purposes and for the purchase of lands for and for and in connection with the extension and enlargement of the Corporation's tramway power station.	£ 22,000	Thirty-five years from the date or dates of borrowing.
(d) For the purchase of lands and easements for the purposes of Part III. (Water) of this Act and for the sinking and construction of the well or wells bores adits headings and other works and conveniences (except as hereinafter mentioned) comprised in the pumping station (Work No. 1) authorised by this Act.	30,500	Sixty years from the date or dates of borrowing.
(e) For and in connection with the provision and erection of boilers engines pumps and other machinery for the purposes of the said pumping station.	25,000	Twenty-five years from the date or dates of borrowing.
(f) For and in connection with the erection of the said pumping station workmen's cottages and boundary walls.	12,000	Thirty-five years from the date or dates of borrowing.
(g) For and in connection with the erection of the water towers authorised by this Act.	5,500	Fifty years from the date or dates of borrowing.
(h) For and in connection with the conduits authorised by this Act and for new mains extensions of mains and other waterworks purposes.	47,000	Fifty years from the date or dates of borrowing.
(i) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board* borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that undertaking :

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed.

50.—(1) The Corporation may raise all or any of the moneys which they are authorised to borrow by the creation and issue of Hull Corporation redeemable stock in accordance

Mode of borrowing.

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with the provisions of the Act of 1881 as amended by any subsequent Act or Order confirmed by Parliament or by any of the methods provided by the Local Loans Act 1875 or by mortgage under this Act: A.D. 1911.

Provided that the provisions of the Act of 1901 relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

(2) The contributions to the sums directed by the Act of 1881 to be carried to the Hull Corporation loans fund in respect of interest on and of redemption of stock shall be payable out of the funds and rates following (that is to say):—

As to stock created and issued for the purposes (a) (b) and (c) in the said section mentioned out of the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate:

As to stock created and issued for the purposes (d) (e) (f) (g) and (h) mentioned in the said section out of the revenue of the water undertaking of the Corporation and the borough fund and borough rate:

As to stock created and issued for the purpose (i) mentioned in the said section out of the respective revenues of the tramway and the water undertakings of the Corporation the borough fund and the borough rate and the district fund and the general district rate or any one or more of them in such proportions as the Corporation may by resolution determine:

As to stock created and issued in respect of moneys raised with the sanction of the Board of Trade or the Local Government Board out of the revenues funds or rates hereinbefore mentioned according to the purpose for which the moneys are required.

(3) In the case of any moneys raised under this Act by any of the methods provided by the Local Loans Act 1875 the local rate for the several purposes aforesaid shall be the respective revenues funds and rates out of which the contributions lastly hereinbefore mentioned are payable.

(4) And in the case of moneys borrowed on mortgage for the several purposes aforesaid the Corporation may mortgage or charge the respective revenues funds and rates out of which the

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A.D. 1911. contributions specified in subsection (2) of this section would be payable if the moneys were raised by stock. Provided that the provisions of this subsection shall not limit the powers conferred upon the Corporation by section 152 (Power to use one form of mortgage for all purposes) of the Act of 1903.

Power to re-borrow.

51.—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 149 (Power to reborrow) of the Act of 1903 section 77 (Power to reborrow) of the Act of 1906 and so much

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of section 16 (Incorporation of financial provisions of Acts of 1901 and 1906) of the Act of 1907 as applies to that Act the provisions of section 77 of the Act of 1906 are hereby repealed. A.D. 1911.

PART V.

MISCELLANEOUS.

52. From and after the passing of this Act the power of appointing and revoking the appointment of the haven master of the haven or old harbour in the city which was transferred to the Humber Conservancy Board by section 41 (Transfer of powers from Hull Trinity House) of the Humber Conservancy Act 1907 shall cease to be exerciseable by that board and may and shall be exercised by the Corporation and thereafter the Corporation shall discharge all liability of the said board in respect of the payment of the salary of the said haven master Provided that nothing in this section shall prejudice alter or affect the terms and conditions of service of the present haven master or any rights or privileges claims or demands which that officer may have under the provisions of section 51 (Continuance of and compensation to officers &c. of Hull Trinity House) of the said Act of 1907 and all liabilities of the said board under the said section in respect of the said officer shall be transferred to and borne by the Corporation. Corporation to appoint harbour master.

53. The Corporation may lay down take up alter relay or renew in across or along any street in the city such pipes and apparatus as may be requisite or proper for conveying steam and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as they are applicable and with any necessary modifications extend and apply to and for the purposes of this section. Power to lay down steam pipes.

54.—(1) The Corporation shall not lay down any pipes or apparatus for the purpose of conveying steam or maintain or use any such pipes or apparatus whereby any telegraphic line of the Postmaster-General is or may be injured. For protection of Postmaster-General.

(2) Before any such pipes and apparatus are laid down the Corporation not more than twenty-eight or less than fourteen days before commencing the work shall give written notice to

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the Postmaster-General (accompanied by sufficient plans) specifying the course of and the nature of the work and the Corporation shall comply with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing injury to any of his telegraphic lines or interference with telegraphic communication by means of any such lines. Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration as if the difference had arisen under section 23 of the Act of 1906.

(3) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by action indictment or otherwise in relation to any of the matters aforesaid.

(4) The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Use of baths
for music
and dancing.

55.—(1) Any swimming bath of the Corporation when closed under the provisions of section 5 (Powers to close swimming baths for a limited period) of the Baths and Wash-houses Act 1878 and any portion thereof may although a licence is granted in respect thereof for music or dancing be let otherwise than occasionally and money for admission thereto may be taken at the doors.

(2) The proviso (b) to section 2 of the Baths and Wash-houses Act 1899 shall cease to apply to any bath of the Corporation.

Extension of
time for
street works
authorised
by Act of
1901.

56. The time limited by section 11 (Period for completion of works) of the Act of 1901 for the completion of the street works authorised by that Act and therein referred to as Street Works Nos. 17 18 and 19 is hereby extended for the period of seven years from the date of the passing of this Act and that section shall be read and have effect accordingly.

Period for
compulsory
purchase of
lands.

57. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Incorporation of provisions of former Acts.

58. The following sections of the Act of 1897 the Act of 1901 the Act of 1903 the Act of 1906 and the Act of 1907 shall with any necessary modifications and subject as regards

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mortgages granted in pursuance of section 152 (Power to use one form of mortgage for all purposes) of the Act of 1903 to the provisions of that section 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. 1911.

The Act of 1897—

- Section 42 (Correction of errors &c. in deposited plans and book of reference);
- Section 44 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);
- Section 46 (Single arbitrator to determine compensation);
- Section 47 (Provision for payment to trustees);
- Section 54 (Protection of lenders from inquiry):

The Act of 1901—

- Section 15 (Temporary stoppage of streets);
- Section 19 (For protection of gas companies);
- Section 23 (Power to retain sell &c. lands);
- Section 24 (Proceeds of sale of surplus lands);
- Section 26 (Provisions as to compensation);
- Section 27 (Costs of arbitration &c. in certain cases);
- Section 48 (Provisions of Public Health Act as to mortgages);
- Section 49 (Mode of payment off of money borrowed);
- Section 50 (Sinking fund);
- Section 51 (Return respecting sinking fund to Local Government Board):

The Act of 1903—

- Section 172 (Informations by whom to be laid);
- Section 173 (Penalties to be paid over to treasurer):

The Act of 1906—

- Section 72 (Application of money borrowed);
- Section 74 (Corporation not to regard trusts);

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- Section 75 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
Section 76 (Appointment of receiver);
Section 78 (Expenses of execution of Act);
Section 79 (Inquiries by Local Government Board);
Section 81 (Recovery of penalties);
Section 83 (Audit of accounts):

The Act of 1907—

- Section 20 (Application of section 265 of Public Health Act 1875);
Section 21 (Consent of Corporation to be in writing);
Section 22 (Recovery demands);
Section 23 (Saving for indictment &c.);
Section 24 (Powers of Act cumulative):

Provided that in the application of section 26 of the Act of 1901 that section shall be read and have effect as if the first day of January nineteen hundred and eleven were therein mentioned instead of the first day of June nineteen hundred and one.

Judges not disqualified.

59.—(1) A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or of any local Act for the time being in force in the city by reason of his being liable to any rate.

(2) The following provisions are hereby repealed:—

- Section 108 (Judges not disqualified) of the Act of 1897;
Section 174 (Judges not disqualified) of the Act of 1903;
and
Section 82 (Judges not disqualified) of the Act of 1906.

As to breach of conditions of consent of Corporation.

60. Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

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61. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

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Crown
rights.

62. 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 respective revenues of the tramway and the water undertakings of the Corporation the borough fund and the borough rate and the district fund and the general district rate or any one or more of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

Costs of Act.

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A.D. 1911. The SCHEDULE referred to in the foregoing Act.

PROVISIONS OF KINGSTON-UPON-HULL CORPORATION ACT 1897
REPEALED.

No. of Section.	Marginal Note.	Extent of Repeal.
82	Definition of supply for domestic purposes -	The words "fixed baths."
84	Penalty for waste or fouling of water - - -	The whole section.
88	Power to supply by agreement for domestic purposes &c.	The whole section.
89	Power to supply for other than domestic purposes.	The whole section.
90	Supply by measure - - - - -	The whole section.
92	Penalty for injuring meters - - - - -	The whole section.
93	Regulations for preventing waste &c. of water	Subsection (3).

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

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

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