



CHAPTER lxxiii.

An Act to empower the Durham County Water Board to construct waterworks for the supply of water for their own undertaking and that of the Sunderland and South Shields Water Company to increase the charges for the supply of water and for other purposes. A.D. 1922

[4th August 1922.]

WHEREAS by the Durham County Water Board Act 1920 (in this Act called "the Act of 1920") the Durham County Water Board (in this Act called "the Board") were constituted and incorporated and were empowered to purchase the undertaking of the Weardale and Consett Water Company (in this Act called "the Company"):

And whereas the Board in pursuance of the powers of the Act of 1920 have purchased the said undertaking and are supplying water under the statutory powers relating to the said undertaking within the city of Durham the urban districts of Annfield Plain Benfieldside Brandon and Byshtoles Chester-le-Street Consett Crook Leadgate Shildon Spennymoor Stanley Tanfield Tow Law and Willington and parts of certain other urban districts and rural districts in the county of Durham:

And whereas the Sunderland and South Shields Water Company (in this Act called "the Sunderland Company") were incorporated by the Sunderland and South Shields Water Act 1852 and are by the Sunderland and South Shields Water Acts 1852 to 1921 empowered

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A.D. 1922. to supply water within the limits and to the extent mentioned in those Acts :

And whereas by the Weardale Water Act 1902 the Company were empowered to construct a reservoir to be called the Burnhope Reservoir but such powers expired and were revived by the Weardale and Consett Water Act 1915 (in this Act called "the Act of 1915") and by the Act of 1920 the power to construct the said reservoir was transferred to the Board :

And whereas by section 32 of the Act of 1920 it was provided as follows :—

(1) If within nine months from the passing of this Act the Sunderland and South Shields Water Company (in this section called "the Sunderland Company") shall express to the Board by notice in writing their willingness to take from the Board such a supply of water in bulk as can be obtained for supply by an enlargement of the Burnhope Reservoir in excess of the size authorised by the Weardale and Consett Water Act 1915 after reserving to the Board the quantity of water which could have been obtained for supply from the said reservoir as so authorised and which quantity shall be taken to be four and a quarter million gallons a day and after allowing for all compensation water required to be given from the said reservoir the Board shall in the session of 1922 promote a Bill in Parliament for the purpose of enabling the Board to enlarge the yield of the said reservoir and for all other necessary purposes in connexion therewith :

(2) The said Bill shall provide—

(A) That the Sunderland Company shall for such supply pay to the Board as from the date when the construction of the reservoir pipes and works mentioned in this subsection shall be commenced—

(i) Such proportion of the interest and sinking fund charges payable by the Board in respect of moneys borrowed for the construction of the Burnhope Reservoir Scheme and of any lines of pipes and

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other works which are required for supplying water from the Burnhope Reservoir to the Board and to the Sunderland Company jointly and of the maintenance and management expenses of the Board with respect to such reservoir pipes and other works as the quantity of water which will when the reservoir is completed be available for supply to the Company in three consecutive dry years shall bear to the total quantity of water which will be available for supply from the Burnhope Reservoir as so enlarged in such years; and

(ii) The whole cost of any lines of pipes and other works laid or constructed and used by the Board solely for the purpose of affording the supply aforesaid to the Sunderland Company; and

(B) That any difference which may arise between the Board and the Sunderland Company with regard to any of the matters aforesaid shall be referred to and settled by an arbitrator to be appointed by the Minister of Health on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference :

(3) The Sunderland Company the mayor aldermen and burgesses of the borough of Sunderland and the mayor aldermen and burgesses of the borough of South Shields shall not nor shall any of them oppose such 'Bill except in so far as they may deem necessary in order to secure the insertion therein of provisions to protect their interests in conformity with the provisions of this section and for that purpose each of those bodies shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses as they may think fit :

(4) As soon as parliamentary powers have been obtained as aforesaid the works to be authorised by the intended Act shall be proceeded with without delay.

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And whereas the Sunderland Company have expressed to the Board by notice in writing their willingness to take a supply of water in bulk as provided by subsection (1) of the said section 32 of the Act of 1920 and it is expedient in accordance with the provisions of the said section to empower the Board to construct the waterworks referred to in this Act and it is also expedient to make further provision as in this Act contained with regard to the water undertaking of the Board :

And whereas the charges for the supply of water authorised by the Act of 1920 are insufficient to meet the annual expenditure of the Board and it is expedient that such charges should be increased as in this Act provided :

And whereas it is expedient that the other provisions contained in this Act should 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 Board for the purposes hereinafter mentioned and such estimates are as follows :—

(A) For and in connexion with the purchase of land and easements for the purpose of the waterworks authorised by this Act and the construction of the works numbered 1 2 3 4 5 6 7 8 9 and 10 ...	£ 1,130,200
(B) For and in connexion with the construction of work No. 11 authorised by this Act	14,800

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book 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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited as the Durham County Water Board Act 1922. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Supply of Water.

Part V.—Financial and Miscellaneous.

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) :— Incorporation of Acts.

(1) The Lands Clauses Acts with the following exceptions and modifications :—

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

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

(2) The Waterworks Clauses Act 1847 except—

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

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

(C) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the boundaries of the reservoir and the centres of the tramroad conduits or catchwaters aqueducts lines of pipes and road diversion respectively.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"The Board" means the Durham County Water Board;

"The clerk" means the clerk of the Board and includes any person duly authorised to discharge temporarily the duties of that office;

"The company" means the Weardale and Consett Water Company (the predecessors of the Board);

"The Sunderland Company" means the Sunderland and South Shields Water Company;

"The county council" means the county council of the county of Durham;

"The Board of Conservators" means the Board of Conservators of the Wear Fishery District;

"Revenues of the Board" includes the revenues of the Board from time to time arising from any land undertaking or other property for the

time being of the Board and the rates or contributions leviable by or on the order or precept of the Board;

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“ The Act of 1860 ” means the Consett Waterworks Act 1860 “ the Act of 1866 ” means the Weardale and Shildon District Waterworks Act 1866 “ the Act of 1875 ” means the Weardale and Shildon District Waterworks Act 1875 “ the Act of 1869 ” means the Consett Waterworks Act 1869 “ the Act of 1894 ” means the Consett Waterworks Act 1894 “ the Act of 1902 ” means the Weardale Water Act 1902 “ the Act of 1915 ” means the Weardale and Consett Water Act 1915 “ the Weardale Act of 1920 ” means the Weardale and Consett Water Act 1920 and “ the Act of 1920 ” means the Durham County Water Board Act 1920.

PART II.

LANDS.

5. Subject to the provisions of this Act the Board may for the purposes of this Act and of their water undertaking enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Acquisition
of lands.

6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Durham for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificates state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Durham and a duplicate thereof shall also be deposited with the clerk to the urban district council or parish council as the case may be of the district in which the lands affected

Correction
of errors in
deposited
plans and
book of
reference.

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A.D. 1922. — thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the urban district council or parish council as the case may be with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with such certificate.

Acquisition
of ease-
ments.

7.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the subsidiary works and conveniences authorised by the last paragraph of the section of this Act whereof the marginal note is "Power to make waterworks") where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) 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 Board have acquired easements only under the provisions of this section the Board 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 Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only.

(4) Every notice to treat for the acquisition of an easement or right shall either contain or be endorsed with notice of this provision.

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8. The quantity of common or commonable lands which may be taken by the Board under the powers of this Act shall not exceed the following (that is to say) :—

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 — —
 Limiting quantity of common lands to be taken.

Name of Common.	Parish in which the lands are situate.	Estimated quantity to be acquired.
		Acres.
Burnhope Moor - - -	Stanhope	18
Stanhope Common - - -	Stanhope	1·6

9. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act in respect of the lands required for Works Nos. 1 to 11 inclusive by this Act authorised and after the expiration of five years in respect of the lands required for Works Nos. 12 to 18 inclusive by this Act authorised.

Period for compulsory purchase of lands.

10. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Board shall as from the date of such acquisition or vesting be extinguished. Provided that the Board shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Extinction of private rights of way.

11.—(1) Subject to the provisions of this Act the Board 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 their water undertaking but the quantity of lands held by the Board in pursuance of this section (exclusive of lands held for the purpose of protecting their waters and waterworks against pollution fouling contamination or injury) shall not at any time exceed one hundred acres and the Board may on all or any of such additional lands execute for the purposes of or in connexion 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

Purchase of additional lands by agreement.

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

Persons under disability may grant easements &c.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Board may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Reservation of water rights &c.

14. The Board on selling any lands held by them for the purposes of their water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging

thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

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15.—(1) So long as any lands remain to be acquired by the Board under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of sale of surplus lands.

(2) Provided that—

(A) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;

(B) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

16. The period limited by section 13 (Period for compulsory purchase of lands) of the Weardale Act of 1920 for the compulsory purchase of lands necessary for the lines of pipes Works Nos. 5 6 7 and 8 authorised by that Act is hereby extended until the expiration of three years after the passing of this Act.

Extending time for purchase of lands under Weardale Act of 1920.

PART III.

WORKS.

17. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and

Power to make waterworks.

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The said works will be situate in the county of Durham and are—

Work No. 1 A reservoir (to be called Burnhope Reservoir) in substitution for the Burnhope Reservoir authorised by the Act of 1915 in the parish of Stanhope to be formed by means of an embankment or a dam across the Burnhope Burn;

Work No. 2 A diversion of the public road leading from Cowhill to Causeway Road in the said parish of Stanhope commencing at a point in the said public road 14·1 chains or thereabouts south-west of the southern corner of the farmhouse known as "Stripe Head" and terminating at a point in the same road 18·3 chains or thereabouts south-east of the centre of Burnhope Bridge;

Work No. 3 A conduit or catchwater (No. 1) in the said parish of Stanhope commencing in the Wellhope Burn and terminating in the said Burnhope Reservoir (Work No. 1);

Work No. 4 A conduit or catchwater (No. 2) in the said parish of Stanhope commencing in a watercourse known as Blackcleugh and terminating by a junction with the said conduit or catchwater (No. 1) (Work No. 3);

Work No. 5 A conduit or catchwater (No. 3) in the said parish of Stanhope commencing in the Daddryshields Burn and terminating in the said Burnhope Reservoir (Work No. 1);

Work No. 6 A conduit or catchwater (No. 4) in the said parish of Stanhope commencing in the Ireshope Burn and terminating by a junction with the said conduit or catchwater (No. 3) (Work No. 5);

Work No. 7 A conduit or catchwater (No. 5) in the said parish of Stanhope commencing in the watercourse adjacent to the south-western boundary of the enclosure No. 1320 on the $\frac{1}{2500}$ Ordnance map of the said parish sheet XXII.-16

(second edition 1896) and terminating by a junction with the said conduit or catchwater (No. 3) (Work No. 5);

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Work No. 8 A conduit or catchwater (No. 6) in the said parish of Stanhope commencing in the watercourse known as West Grain and terminating by a junction with the said conduit or catchwater (No. 3) (Work No. 5);

Work No. 9 A conduit or catchwater (No. 7) in the said parish of Stanhope commencing in the watercourse known as East Grain and terminating by a junction with the said conduit or catchwater (No. 3) (Work No. 5);

Work No. 10 An aqueduct or conduit in the said parish of Stanhope commencing in the existing aqueduct or catchwater in the Burnhope Valley of the Ecclesiastical Commissioners and terminating in the Burnhope Reservoir (Work No. 1);

Work No. 11 A tramroad in the said parish of Stanhope commencing at or near the point of commencement of the embankment or dam of the said Burnhope Reservoir (Work No. 1) and terminating in the enclosure No. 1401 on the said Ordnance map sheet XXII.-12 (edition of 1921);

Work No. 12 A line or lines of pipes (No. 1) commencing in the said parish of Stanhope in the said Burnhope Reservoir (Work No. 1) and terminating in the said parish of Stanhope in the break pressure tank (No. 1) next described;

Work No. 13 A break pressure tank (No. 1) situate in the said parish of Stanhope in the enclosure No. 3730 on the said Ordnance map sheet XXIV.-14 (edition of 1921);

Work No. 14 A waste water conduit (No. 1) situate in the said parish of Stanhope commencing in the said break pressure tank (No. 1) (Work No. 13) and terminating in Rogerley Gill Burn;

Work No. 15 A line or lines of pipes (No. 2) situate in the parishes of Stanhope Wolsingham North Bedburn Helmington Row the urban districts of Crook and Willington the parish of Brancepeth and the urban district of Brandon and Byshottles

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commencing in the said break pressure tank (No. 1) (Work No. 13) and terminating in the break pressure tank (No. 2) (Work No. 16) next described;

Work No. 16 A break pressure tank (No. 2) in the said urban district of Brandon and Byshottles in the enclosure No. 509 on the $\frac{1}{2500}$ Ordnance map sheet XXVI.-7 (edition of 1920) of the parish of Brandon and Byshottles;

Work No. 17 A waste water conduit (No. 2) situate in the urban district of Brandon and Byshottles commencing in the break pressure tank (No. 2) (Work No. 16) and terminating in the enclosure No. 500 on the said last-mentioned Ordnance map in the watercourse adjacent to the western boundary of the said enclosure No. 500;

Work No. 18 A line or lines of pipes (No. 3) situate in the urban district of Brandon and Byshottles the parishes of Broom Framwellgate Moor Bear Park Witton Gilbert Moorhouse West Rainton and East Rainton commencing in the said break pressure tank (No. 2) (Work No. 16) and terminating in a meter house in the enclosure No. 154 on the $\frac{1}{2500}$ Ordnance map sheet XX.-4 (edition of 1920) of the parish of East Rainton.

In addition to the works hereinbefore described the Board may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings machinery roads tramroads works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the Board's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that nothing in the last paragraph of this section shall authorise any interference with any railway or work of the North Eastern Railway Company except with their consent in writing and in accordance with plans sections and specifications to be approved by the engineer of the railway company.

18. Before bringing into use the conduit or catchwater (No. 1) by this Act authorised the Board shall construct a weir across the Wellhope Burn between the commencement of such conduit or catchwater and the junction between the Wellhope Burn and the Killhope Burn so as to secure that no waters of the Killhope Burn shall be diverted impounded taken appropriated or used by means of such conduit or catchwater.

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Provisions
as to con-
struction
and use of
conduit or
catchwater
(No. 1).

19.—(1) In the construction of the works authorised by this Act the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or 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.

Limits of
deviation.

(2) Provided that—

- (A) the Board shall not construct any embankment or dam of the reservoir Work No. 1 of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and three feet in addition;
- (B) except for the purpose of crossing over a stream or railway no part of the aqueducts or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections;
- (C) In constructing the tramroad Work No. 11 the Board shall not deviate vertically more than ten feet upwards and ten feet downwards;
- (D) In carrying the said tramroad across a public carriage road the same shall be laid on the level of the road;
- (E) Notwithstanding anything shown on the deposited plans and sections the conduit or catchwater (No. 3) shall not be constructed at a lower point on the Daddryshields Burn than that shown on the deposited plans as the commencement of the said conduit or catchwater.

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Board may pay expense of providing telegraphic facilities.

20. The Board may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any telegraph or post office or of any additional facilities postal or otherwise in any rural district in connexion with the works authorised by this Act and any expense incurred by the Board under such undertaking may be defrayed out of any funds or revenue of the Board.

Accommodation for workmen employed on construction of works.

21.—(1) The Board shall erect fit up and maintain or provide—

- (A) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;
- (B) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Board shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts 1911 to 1921 or otherwise.

(3) The medical officer of health of the county council and the medical officer of health and inspector of nuisances of the rural district council of Weardale shall be entitled at any time to enter into and inspect and examine any such accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Board shall give every such officer all facilities and information which he requires for the

purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings. A.D. 1922.

(5) If at any time it appears to the county council that the Board have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Board shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Board give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

(6) If the Board fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Board and shall be recoverable as a debt due from the Board to the county council.

(8) The Board shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding three guineas a day for the services of any inspector in connexion with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

22.—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within thirteen years from the fourth day of August nineteen hundred and twenty-two then on the expiration

Period for completion of works.

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(2) Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts conduits and lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Diversion
of road.

23.—(1) Upon the completion of Work No. 2 all public rights of way over the part of the road for which it is substituted shall be extinguished :

Provided that the part of the existing road of which Work No. 2 by this Act authorised is a diversion shall not be stopped up until the said Work No. 2 is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Board and the road authority until two justices shall have certified that the said Work No. 2 has been completed to their satisfaction and is open for public use Provided also that before applying to the justices for their certificate the Board shall give to the road authority seven days' notice of their intention to apply for the same.

(2) As from the completion of the said Work No. 2 to the satisfaction of the road authority or as from the date of the said certificate as the case may be the Board may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Board and the site of such portion of road shall be vested in them.

(3) The Board shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to
take water.

24.—(1) In lieu of the powers vested in the Board under or by virtue of the Act of 1915 and the Act of 1920 of diverting impounding taking appropriating and using

[12 & 13 GEO. 5.] *Durham County Water* [Ch. lxxiii.]
Board Act, 1922.

water they may divert impound take appropriate and use in accordance with the provisions and for the purposes of this Act all the water which can be intercepted or abstracted by means of the works authorised by this Act from the streams called Burnhope Burn Blackcleugh Wellhope Burn Ireshope Burn West and East Grain and Daddryshields Burn and from the several feeders and tributaries thereof respectively and all such springs streams and waters as will or may be intercepted by the works by this Act authorised :

A.D. 1922.

Provided that the Board shall by means of Works Nos. 3 4 5 6 7 8 and 9 by this Act authorised take use divert and appropriate such waters only as may be flowing down the respective streams hereinafter mentioned in excess of the following respective quantities per day of twenty-four hours namely :—

Wellhope Burn	-	-	390,000 gallons.
Blackcleugh	-	-	171,000 gallons.
Ireshope Burn	-	-	306,000 gallons.
West Grain	-	-	129,000 gallons.
East Grain	-	-	114,000 gallons.
Daddryshields Burn	-	-	123,000 gallons.

(2) Section 14 (Power to take waters) of the Act of 1915 is hereby repealed.

25. Except so far as may be agreed between the Board and the Sunderland Company from and after the first filling of the Burnhope Reservoir (Work No. 1) by this Act authorised the following provisions shall have effect :—

Apportionment of water.

(1) The Board shall deliver to the Sunderland Company at a point situate within three hundred yards of the foot of the embankment or dam of the said reservoir as shown on the deposited plans such quantity of water as the Sunderland Company may from time to time require not exceeding the following :—

(A) From the Burnhope Reservoir in any one year an average of five million gallons per day of twenty-four hours nor in any one day of twenty-four hours unless otherwise

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from time to time agreed between the respective engineers of the Board and the Sunderland Company 5·5 million gallons; and

(B) Fifty-four per centum of all water (not being compensation water) flowing over the bywash of the said reservoir :

(2) The Board shall not take for their own use—

(A) From the Burnhope Reservoir in any one year a greater quantity of water than an average of 4·25 million gallons per day of twenty-four hours nor in any one day of twenty-four hours unless otherwise from time to time agreed between the respective engineers of the Board and the Sunderland Company a greater quantity than 4·75 million gallons; and

(B) More than forty-six per centum of all water (not being compensation water) flowing over the bywash of the said reservoir :

(3) Any water purchased under the provisions of the section of this Act the marginal note whereof is "Agreements as to purchase of compensation water" shall be divided between and the purchase money thereof shall be borne by the Board and the Sunderland Company in the respective proportions of forty-six per centum to the Board and fifty-four per centum to the Sunderland Company :

(4) In the event of the water in the Burnhope Reservoir being at any time insufficient to provide the quantities of water to be delivered or taken as aforesaid from the said reservoir the quantity to be delivered therefrom to the Sunderland Company and to be taken for the use of the Board shall be reduced proportionately :

(5) During the first filling of the Burnhope Reservoir—

(A) The Board shall deliver to the Sunderland Company such quantity of water as they may require not exceeding fifty-four per centum of the total daily quantity of water which may be taken therefrom in accordance

with the provisions of subsection (2) of the section of this Act the marginal note whereof is "Power to take Burnhope water until completion and filling of reservoir"; and

A.D. 1922.

(B) The Board may take for their own use not more than forty-six per centum of the said daily quantity of water.

26.—(1) Until the completion and filling of the Burnhope Reservoir (Work No. 1) by this Act authorised or the fourth day of August nineteen hundred and thirty-five whichever shall first happen the Board may by means of the intake and weir (No. 1) authorised by the Act of 1915 take use divert and appropriate for the purposes of their undertaking any waters flowing down Burnhope Burn in excess of such a quantity of water as when added to the quantity of water flowing or allowed to flow along the existing aqueduct of the Ecclesiastical Commissioners past the point of commencement of Work No. 10 by this Act authorised will make a total flow of water in the said burn and aqueduct at the rate of two million gallons per day of twenty-four hours :

Power to take Burnhope water until completion and filling of reservoir.

Provided that irrespective of the quantity of water which may at the time be flowing or allowed to flow along the said existing aqueduct past the said point the Board shall not in any case be entitled to take use divert or appropriate any waters flowing down the Burnhope Burn unless in excess of a flow of one million two hundred thousand gallons per day of twenty-four hours.

The water flowing down Burnhope Burn shall be measured at any point situate within three hundred yards below the foot of the embankment or dam as shown on the deposited plans.

(2) During the first filling of the Burnhope Reservoir the Board may take any quantity of water that they may think fit therefrom provided that they discharge into Burnhope Burn at a point situate within three hundred yards of the foot of the embankment or dam as shown on the deposited plans or into the said existing aqueduct of the Ecclesiastical Commissioners or partly into the one and partly into the other and in a continuous stream during the twenty-four hours of every day such a quantity of water as when added to the quantity of water flowing or allowed to flow past the said point in Burnhope Burn and along the said existing aqueduct of the Ecclesiastical

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Commissioners past the point of commencement of Work No. 10 aforesaid will make a quantity of two million gallons so long as there shall remain in the reservoir sufficient water to enable them to comply with the provisions of this subsection provided that the quantity of water which the Board shall discharge into the said aqueduct shall not exceed eight hundred thousand gallons per day but whenever and so long as there shall not be sufficient water in the reservoir to enable them to comply with such provisions they shall cease to take any water therefrom for the purposes of water supply.

(3) So soon as the Burnhope Reservoir shall have been completed and filled with water for the first time the Board shall discharge into Burnhope Burn compensation water as hereinafter provided.

As to compensation water.

27. As full compensation to all persons whose lands are situate below the points at which the water hereinafter defined as compensation water shall be discharged for the waters of Burnhope Burn and of the several feeders or tributaries thereof respectively to be taken and used under the powers of this Act and subject to the provisions of the last preceding section of this Act before the Board shall be entitled to use or deliver such waters for the purposes of supply the Board shall commence to discharge into Burnhope Burn within three hundred yards of the foot of the embankment or dam of the Burnhope Reservoir a total quantity of two million gallons of water daily (in this Act referred to as "compensation water") and shall thereafter continue to discharge the same except that the Board shall from time to time if and when so required in accordance with the provisions of the section of this Act the marginal note whereof is "For protection of Ecclesiastical Commissioners and their lessees" be entitled to discharge or divert into the said existing aqueduct of the Ecclesiastical Commissioners by pumping from the Burnhope Reservoir any portion of such compensation water not exceeding eight hundred thousand gallons daily in substitution for a similar quantity which would otherwise be discharged into Burnhope Burn.

Provision for partial discontinuance of com-

28.—(1) Notwithstanding anything contained in the last preceding section of this Act if and during such time as the level of the River Wear at the place where

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it is crossed by the road bridge at Daddryshields is above a zero mark on a gauge to be erected by the Board on the north-western abutment of the said bridge the Board shall not after the completion and filling of the Burnhope Reservoir (Work No. 1) by this Act authorised be required to discharge into Burnhope Burn a quantity of water exceeding the rate of four hundred thousand gallons per day but nothing in this section shall alter or in any way affect the provisions of the section of this Act the marginal note whereof is "For protection of Ecclesiastical Commissioners and their lessees."

A.D. 1922.
—
pensation
water &c.
during times
of flood.

(2) The said zero mark shall be fixed by agreement between the Board the Board of Conservators the urban district council of Bishop Auckland and the rural district council of Weardale or failing agreement shall be determined by the Minister of Agriculture and Fisheries to indicate the level at which the river is considered to be materially unaflected by the partial suspension authorised by this section of the obligation to discharge compensation water under the provisions of the section of this Act of which the marginal note is "As to compensation water."

29.—(1) Notwithstanding anything hereinbefore or in the Acts of 1866 and 1875 contained the Board shall in case of emergency be entitled to discontinue the discharge into Wascrow or Waskerley Beck of any part not exceeding three-quarters of the quantity of compensation water which they are by the Acts of 1866 and 1875 required to discharge from the Tunstall Reservoir into Wascrow Beck provided they discharge in lieu thereof (but without prejudice to the rights of the Sunderland Company under this Act) into Burnhope Burn an additional quantity of water equivalent to the quantity so discontinued to be discharged into the said beck Provided that the powers conferred upon the Board by this section shall not be exercised without the consent in writing of the rural district council of Weardale unless that council shall fail to signify to the Board their dissent within three days from the service on them of application for such consent in which case they shall be deemed to have consented thereto Provided also that notice of intention to exercise the powers of this section shall also be served by the Board upon the urban district

Provision
for partial
discontinu-
ance of
compensa-
tion water
into
Wascrow or
Waskerley
Beck.

[Ch. lxxiii.] *Durham County Water* [12 & 13 GEO. 5.]
Board Act, 1922.

A.D. 1922. council of Bishop Auckland and upon the Board of Conservators.

(2) Notwithstanding anything in this section contained the Board shall make compensation in money under the provisions of the sixth section of the Waterworks Clauses Act 1847 to all persons injuriously affected by the deprivation of the flow of any compensation water by or in consequence of the substituted discharge of compensation water in lieu of the discharge to the benefit of which any such person would otherwise continue to be entitled.

As to discharge of compensation water.

30. The compensation water shall be discharged uniformly and continuously during the whole of the twenty-four hours of every day Provided that for the purposes of this section the discharge of the several quantities of compensation or other water under subsection (2) of the section of this Act of which the marginal note is "~~Power to take Burnhope Water until completion and filling of reservoir~~" and the section of this Act of which the marginal note is "As to compensation water" shall be deemed to be continuous whether the same be from time to time discharged into Burnhope Burn or into the said existing aqueduct of the Ecclesiastical Commissioners or partly into the one and partly into the other.

Agreements as to purchase of compensation water.

31. The Board of Conservators may with the previous consent in writing of the Minister of Agriculture and Fisheries enter into an agreement from time to time with the Board for the reduction of the quantity of compensation water to a quantity not less than one million gallons daily and in consideration thereof the Board shall pay to the Board of Conservators a yearly rent calculated at the rate of thirty pounds for each hundred thousand gallons daily of reduction :

Provided that any such agreement may be terminated by either side on giving notice to the other side not less than twelve months previously :

Provided also that any persons interested in the flow of the river claiming to be injuriously affected as the result of any such agreement may make representations to the said Minister who shall cause the claim to be investigated and in the event of injury being proved shall order the said agreement to be terminated forthwith.

32.—(1) The Board shall construct and maintain in the following streams and watercourse gauges with automatic recording instruments for measuring the quantities of water flowing or discharged or allowed to flow into and down the said streams and watercourse respectively :—

A.D. 1922.
—
Maintenance and inspection of gauges.

In Burnhope Burn within three hundred yards below the foot of the embankment or dam of the Burnhope Reservoir as shown on the deposited plans ;

In the existing aqueduct of the Ecclesiastical Commissioners at or near the point of commencement of Work No. 10 by this Act authorised as shown on the deposited plans ;

In the Wellhope Burn at or near the point of commencement of Work No. 3 by this Act authorised as shown on the deposited plans ;

In Blackcleugh at or near the point of commencement of Work No. 4 by this Act authorised as shown on the deposited plans ;

In Daddryshields Burn at or near the point of commencement of Work No. 5 by this Act authorised as shown on the deposited plans ;

In Ireshope Burn at or near the point of commencement of Work No. 6 by this Act authorised as shown on the deposited plans ;

In West Grain at or near the point of commencement of Work No. 8 by this Act authorised as shown on the deposited plans ;

In East Grain at or near the point of commencement of Work No. 9 by this Act authorised as shown on the deposited plans.

(2) The said gauges shall be open to the inspection and examination of any officer of the Board of Conservators duly authorised and of all persons interested in the flow of the river.

(3) In case of any neglect on the part of the Board to maintain any of the said gauges in a state of efficiency and in case of any other neglect by them by or in consequence of which the respective quantities of compensation water referred to in the sections of this Act of which the marginal notes are respectively " As to

[Ch. lxxiii.] *Durham County Water Board Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922. — compensation water” and “Provision for partial dis-
“continuance of compensation water &c. during times of
“flood” shall not flow as required by those sections
respectively the Board shall for every day on which such
neglect occurs forfeit and pay to the Board of Conservators
and to each of the persons affected thereby (who may sue
for and recover the same) the sum of five pounds but so
that not more than twenty-five pounds shall be recoverable
in respect of each default and shall in addition make
compensation for any loss damage or injury sustained
by such occupiers or any of them or for any injury
caused to the fisheries of the Wear Fishery District.

(4) If any difference arises between the Board and
the Board of Conservators or any person so interested
with respect to the construction or use of any gauge or
the state of repair or condition thereof such difference shall
be referred to the arbitration of an engineer to be
nominated (unless otherwise agreed) on the application
of either of them by the Ministry of Agriculture and
Fisheries.

(5) The following sections of the Act of 1915 are
hereby repealed—

Section 16 Power to take Burnhope Water until
completion and filling of reservoir;

Section 17 As to compensation water;

Section 19 As to discharge of compensation
water;

Section 20 Maintenance and inspection of gauges.

For protec-
tion of
Ecclesias-
tical Com-
missioners
and their
lessees.

33. For the protection of the Ecclesiastical Com-
missioners (in this section called “the Commissioners”) the following provisions shall notwithstanding any other
provision of this Act apply and have effect unless other-
wise agreed in writing between the Commissioners and
the Board under their respective common seals (that is
to say):—

(1) In this section the expression “the Commis-
sioners” shall include their successors lessees
and assigns the expression “the plan” shall
mean the plan signed in quadruplicate by
Colonel the Honourable Francis Stanley Jackson
the Chairman of the Committee of the House
of Commons to which the Bill for this Act was
referred one copy whereof has been deposited

in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords one copy with the Commissioners and one copy with the Board the expression "the Burnhope drainage area" shall mean the watershed or drainage area of the Burnhope reservoir which is verged with red colour on the plan other than any such portion thereof as shall for the time being belong to the Board the expression "the point A" shall mean the point A marked on the plan outside the Burnhope drainage area the expression "the Burnhope aqueduct" shall mean so much of the aqueduct or catchwater belonging to the Commissioners and coloured blue on the plan as is situate within the Burnhope drainage area "the Commissioners' aqueduct" shall mean so much of the aqueduct or catchwater belonging to the Commissioners as is situate without the Burnhope drainage area the expression "gauge" means gauge gauges or other appliances for measuring water and the expression "mines and minerals" shall include all mines beds and veins of coal iron ore ironstone lead and other minerals clay slate stone and other substances and substrata whether opened or unopened :

- (2) The Board shall at their own cost and expense and before taking or abstracting water from Burnhope Burn or the Burnhope aqueduct or in any manner interfering with the flow of water into or along the Burnhope aqueduct construct and thereafter maintain to the reasonable satisfaction of the Commissioners on land of the Commissioners at or near and upstream from the point A a gauge with automatic recording instrument approved by the Commissioners whose approval shall not be unreasonably withheld for measuring the quantity of water flowing or allowed or caused to flow along the Commissioners' aqueduct to and past the point A The Board shall take proper records of the readings of the said gauge and such records and gauge shall at all times be open to inspection testing and examination by any engineer officer or agent of the Commissioners :

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Board Act, 1922.

A.D. 1922.

- (3) Until the Board commence to take or abstract water from or in any manner interfere with the flow of water into or along the Burnhope aqueduct the Board shall not be liable or required to pump any water into the Commissioners' aqueduct :
- (4) So soon as the Board commence to take or abstract water from or in any manner interfere with the flow of water into or along the Burnhope aqueduct the Board shall allow to flow along such aqueduct and thence into the Commissioners' aqueduct to and past the point A not less than eight hundred thousand gallons of water in a regular and continuous flow during every period of twenty-four consecutive hours throughout the year (hereinafter called "the daily allowance") Provided that whenever the flow of the water in the Burnhope aqueduct is insufficient to afford the daily allowance to and past the point A the Board shall make good such deficiency by pumping water into the Commissioners' aqueduct through a line of pipes to be constructed by the Board Provided also that any works executed by the Board in fulfilling their obligations under this section shall not involve any lowering of the existing level of the Commissioners' aqueduct down stream from the gauge referred to in subsection (2) of this section Provided also that the Commissioners shall maintain the bed of their aqueduct at and down stream from the said gauge at the existing level thereof and in such condition as will permit the proper flow of the daily allowance along the same :
- (5) If for the purpose of facilitating the carrying into effect of the provisions of this section the Board shall desire to make any alteration in the size or position of the Burnhope aqueduct or to erect on land of the Commissioners at or near the point A a tank or reservoir with such communicating pipes and other works as the Board may reasonably require the Board may execute such works and thereafter repair renew and maintain the same Provided that the land

of the Commissioners to be taken for the said tank or reservoir and other works and the said gauge shall not exceed one acre in extent : A.D. 1922.

(6) The Commissioners shall grant to the Board free of charge all such easements and facilities as the Board may reasonably require over the lands of the Commissioners for the alteration construction erection repair renewal and maintenance of the works aforesaid and also for the laying down repair renewal and maintenance of a line or lines of pipes between the boundary of the land purchased by the Board from the Commissioners for the purposes of this Act and the point A for the exclusive purpose of conveying the water which the Board may require to discharge into the Commissioners' aqueduct in accordance with the provisions of this section :

(7) If and whenever the Board fail to discharge the daily allowance at or permit or cause the same to flow past the point A in accordance with the terms of this section they shall be liable to a penalty of twenty-five pounds for each day on which the daily allowance is not so discharged or permitted or caused to flow and any such penalty may from time to time be recovered by the Commissioners in a summary manner or by action at law at the option of the Commissioners :

Provided that the Board shall not be liable to any such penalty if they prove to the satisfaction of the court that the failure was caused by the act of God or inevitable accident nor shall such penalty be recoverable for any period exceeding seven days unless and until the Commissioners or their authorised agent or agents shall have served written notice of the failure upon the Board Provided further that in every case of such failure the Board shall use their utmost endeavours to remedy the same as soon as practicable to the satisfaction of the Commissioners :

(8) If the Commissioners or their duly authorised agent shall at any time or from time to time

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Board Act, 1922.

A.D. 1922.

give notice in writing to the Board that the daily allowance or any part thereof may be suspended for any period or periods to the extent respectively specified in such notice the Board may suspend the daily allowance or such part thereof for the period or periods so specified (but not further or otherwise) and so from time to time as often as any such notice shall be given :

(9) Until the daily allowance shall have been commenced as aforesaid the Commissioners shall be entitled to exercise in respect of the Burnhope drainage area and all water therein or derived therefrom all such rights of user or otherwise as they would have been entitled to exercise if this Act had not been passed. As soon as the daily allowance shall have been commenced by the Board all such rights of the Commissioners in respect of the waters of the Burnhope drainage area shall except as herein reserved to the Commissioners cease and the Commissioners shall at all times be entitled to exercise in respect of the daily allowance for or in connexion with the working getting and dressing of all or any of their mines and minerals or for hydraulic or other motive power in relation thereto the same rights of user or otherwise as they are now entitled to exercise in respect of any water flowing along the Burnhope aqueduct or as they would have been entitled to exercise in respect of any water which but for the passing of this Act they would have been entitled to collect impound or take within the Burnhope drainage area :

(10) The Commissioners may at all times work get and dress all mines and minerals within or under the Burnhope drainage area as freely as they would have been entitled to do if this Act had not been passed and for these purposes and for hydraulic and other motive power in relation thereto they may at all times take and use all water collected by or flowing into the Burnhope aqueduct and may enlarge the Burnhope aqueduct and may construct and maintain

within or upon the Burnhope drainage area such storage ponds and other works as may by the Commissioners be considered necessary or expedient Provided that the Commissioners shall so far as possible permit any water taken or used by them for the purpose of working the mines and minerals situate in the Burnhope drainage area above the Burnhope aqueduct to return to or flow into the Burnhope aqueduct Provided also that if and whenever the Commissioners shall take or use any water out of or from the Burnhope aqueduct or that part of the Burnhope drainage area which is above the Burnhope aqueduct for the purpose of working getting or dressing any mines or minerals below the Burnhope aqueduct any water so taken shall be treated as satisfaction pro tanto of the daily allowance but so long only as the Board shall by a proper gauge ascertain the amount of the water so taken by the Commissioners and forthwith from time to time transmit such measurements to the Commissioners :

- (11) The Board shall at all times indemnify the Commissioners against all actions and proceedings (if any) in respect of any acts affecting the purity of the water for the time being impounded in the Burnhope reservoir which may be done or omitted to be done by the Commissioners in or in connexion with the working getting or dressing of the mines or minerals in the Burnhope drainage area after the passing of this Act but the Commissioners shall give all reasonable easements and facilities to the Board for the construction and maintenance of such works within the Burnhope drainage area as the Board may deem necessary for the protection of the purity of their water supply Provided always that the Commissioners shall not render impure or noxious any waters for the time being impounded in the Burnhope reservoir by reason of using any chemical process for the purpose of dressing upon the Burnhope drainage area any of their mines and minerals or by reason of erecting and maintaining and carrying

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Board Act, 1922.

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on any chemical or manufacturing works upon the Burnhope drainage area :

- (12) All existing rights of the Commissioners of shooting and sporting on or over the Burnhope drainage area and all the rights of the Commissioners to use the waters of the Burnhope drainage area for agricultural or other purposes in connection with their lands and property in such drainage area and otherwise to use such lands and property for all purposes are hereby expressly reserved to them and the Board shall from time to time pay to the Commissioners on demand the reasonable costs of the employment by them of a sufficient number of additional keepers or watchers for the protection of the game and for the prevention of persons trespassing upon lands of the Commissioners adjoining the works of the Board during the construction or any extraordinary repair of the same :
- (13) All mines and minerals belonging to the Commissioners in and under any lands purchased by the Board from the Commissioners for the purposes of this Act shall be expressly named in and conveyed by the conveyance of such lands to the Board but the Board shall not work mine or get any of the mines or minerals so conveyed except so far as may be necessary for the construction repair or maintenance of the works by this Act authorised and any lead ore recovered obtained or gotten by the Board in the execution of any of such works on the lands so purchased shall belong to the Commissioners :
- (14) Notwithstanding the provisions of this Act and of the Waterworks Clauses Act 1847 the Commissioners may work any mines and minerals within or under any land adjoining the lands purchased by the Board from the Commissioners for the purposes of this Act whether within or without the distance of forty yards from the boundary of such lands and shall not be under any obligation to leave any lateral support for the lands so purchased or to pay any compensation for damage that may be occasioned thereby

but the Commissioners shall inform the Board A.D. 1922.
when and so soon as they shall commence to
work the mines and minerals within the said
distance of forty yards :

(15) The Board shall construct on the land acquired
by them from the Commissioners for the
purposes of this Act a metalled road not less
than twelve feet wide commencing in the
existing public road or the intended diversion
thereof near the farmstead known as Pryhill and
terminating by a junction with the existing
occupation road on the southern side of the
Burnhope Burn and the western side of Langtae
Burn and shall for ever maintain in a reasonable
state of repair the same road and so much of the
said existing occupation road as shall lie between
the termination of the new metalled road and
the western boundary of the land acquired
by the Board as aforesaid and the Commissioners
and all persons authorised by them and any
other person having a right of way over the
existing occupation road on the northern bank
of Burnhope Burn shall have rights of way in
common with the Board over such road in like
manner to all intents and purposes as if the
same were a public road Provided that no
agreement between the Commissioners and the
Board varying the provisions of this subsection
shall derogate from the rights of way of any
person not a party to such agreement :

(16) If at any time after the Board commence to take
or abstract water from the Burnhope Reservoir
(Work No. 1 by this Act authorised) or by
means of the intake and weir (No. 1 authorised
by the Act of 1915) whichever shall first happen
the water supply to any of the lands or houses
of the Commissioners is interfered with or
diminished through the construction or user
of any of the works of the Board the Board
shall upon receiving written notice from the
Commissioners of such interference or diminu-
tion as aforesaid provide at their own expense
a water supply equal to the supply interfered
with or diminished to the satisfaction of the
Commissioners :

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A.D. 1922.

(17) Any difference arising between the Commissioners and the Board with respect to the construction of this section or with respect to the execution or failure to execute or carry into effect any of the provisions of this section shall be referred to and settled by arbitration under the provisions of the Arbitration Act 1889 or any statutory modification thereof.

Purchase of rights and interests in compensation waters.

34.—(1) The Board may from time to time (but without prejudice to the rights of the Sunderland Company under this Act) enter into agreements with the Board of Conservators subject to the approval of the Minister of Agriculture and Fisheries and with the owners lessees or occupiers of or other persons interested in any mills works or lands entitled to or affected by the compensation and other waters which the Board are by the Act of 1866 the Act of 1875 the Act of 1869 the Act of 1894 and this Act required to discharge or return from or pass by any of their reservoirs or other works for the purchase of the whole or any portion of the rights and interests of such Board of Conservators and such owners lessees and occupiers and other persons in such compensation and other waters or any of them or any portion thereof for such remuneration and on such terms and conditions and for such periods as may be agreed on.

(2) During the period for which the compensation or other waters shall have been so purchased the obligations as to the discharge return or passage of compensation or other waters contained in the Act of 1866 the Act of 1875 the Act of 1869 the Act of 1894 or this Act as the case may be shall cease and during the period aforesaid the Board may use for and appropriate to the purposes of their undertaking all or any part of the compensation or other waters so purchased by them.

(3) Section 34 (Purchase of rights and interests in compensation waters) and section 35 (Obligation as to discharge of compensation water to cease on purchase) of the Act of 1915 are hereby repealed.

Relief of Board from obligation to make

35. Notwithstanding anything contained in the Salmon and Freshwater Fisheries Acts 1861 to 1892 the Board shall not be required to make or maintain any fish pass in connection with the embankment or dam of

A.D. 1922.

the said reservoir Work No. 1 by this Act authorised as shown on the deposited plans.

and main-
tain fish
passes.

36. Before commencing to construct any portion of the catchwaters Nos. 1 or 3 (Works Nos. 3 or 5) the Board shall so inform the Board of Conservators who may with the approval of the Minister of Agriculture and Fisheries require the Board to expend any sum not exceeding one thousand five hundred pounds in all in the construction of works on any of the streams intercepted by the said catchwaters or either of them such works to be approved by the said Minister.

Works for
protection
of fisheries.

37.—(1) Within one month from the commencement of the construction of the embankment or dam of the Burnhope Reservoir the Board shall pay into the Bank of England to the credit of the Minister of Agriculture and Fisheries (in this section referred to as "the Minister") as trustee the sum of eight hundred pounds.

For protec-
tion of
Board of
Conserva-
tors of Wear
Fishery
District.

(2) The said sum of eight hundred pounds or so much thereof as shall not for the time being be expended as hereinafter provided may if the Minister in his discretion thinks fit be left on deposit in the said bank or be invested by the Minister in Government securities.

(3) The said sum of eight hundred pounds and any interest or dividends thereon shall be expended by the Minister at such times and in such manner as the Board of Conservators with the approval of the Minister shall think fit for the advantage of the fisheries of the Wear Fishery District.

(4) During the construction of the embankment or dam of the said reservoir the Board shall make to the Board of Conservators payment at the rate of sixty pounds per annum in respect of such reservoir such payment to accrue as from the date of the commencement of the said embankment or dam and to be made half-yearly and to be applied by the Board of Conservators in or towards the expense of providing an additional water bailiff.

(5) During the construction of the embankment or dam across the valley of the Burnhope Burn authorised by the section of this Act of which the marginal note is "Power to make waterworks" the Board shall take reasonable precautions to the satisfaction of the Minister

[Ch. lxxiii.] *Durham County Water Board Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922. — to prevent the pollution of the said burn beyond a distance of one quarter of a mile below the site of the said embankment or dam by debris or refuse from or in connexion with the construction of the said embankment or dam.

(6) Notwithstanding anything in this Act contained or anything done hereunder or in pursuance hereof the limits of the River Wear and of the fishery district of the said river as defined by any certificate of a Secretary of State or of the Minister under the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1892 or any of them shall extend to and include all waters impounded in or affected by any works executed under or in pursuance of this Act which are or shall be within the limits described in such certificate and all waters which but for this provision would by reason of the execution of such works cease to be within the said district and any certificate hereafter to be made by the Minister altering the limits of the district may include within the limits defined therein all or any of such waters :

Provided that nothing herein contained shall be deemed to authorise any interference with or with the user of the works by this Act authorised otherwise than as provided by this Act.

Power to agree as to drainage of lands &c.

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

Power to hold lands and exercise powers for protection of waters.

39.—(1) (a) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take the Board may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Board may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes.

(b) Provided that the Board shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with their water undertaking and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Board.

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(2) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Board or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Board are for the time being authorised to take.

40. The Board shall not construct any works for taking or intercepting water from any lands acquired by them 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 Board to abstract water.

Provided that the Board may intercept and use any waters which may escape from any of their authorised works.

41.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Board the Board may cause the

Temporary discharge of water into streams.

[Ch. lxxiii.] *Durham County Water Board Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922. water in any such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall pay compensation to the Board of Conservators for damage done to the Fisheries of the Wear Fishery District and 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.

(3) Provided that the powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of the North Eastern Railway Company.

Application of Waterworks Clauses Act 1847 to aqueducts and to telephones.

42. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the limits within which the Board are empowered to supply water) of the aqueducts and lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid down by the Board for the purposes of their water undertaking :

Provided that the Board shall not construct lay down erect or maintain any aqueducts pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach of the North Eastern Railway Company except with the consent of such company in writing which consent shall not be unreasonably withheld and under the supervision (if given) and to the reasonable satisfaction of the engineer of such company.

For protection of Postmaster-General.

43. Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Board under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further powers in

44. The Board shall have and may exercise the powers which a local authority would have under section

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Board Act, 1922.

54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district so far as that section relates to the carrying of water mains into through under across or on any lands other than streets or roads and for the purposes of that section the limits for the time being of the Board for the supply of water shall be deemed to be the district of the Board.

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relation to
water
mains.

Nothing in this section shall authorise the Board to carry any water mains into through or under any lands of the North-Eastern Railway Company without the consent in writing of that company which consent shall not be unreasonably withheld.

If any difference arise whether any such consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers in accordance with the provisions of the Arbitration Act 1889.

45. The Board may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Board 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 Board for the purposes of the said undertaking.

Dwelling-
houses for
persons in
Board's
employ-
ment.

46. The tramroad authorised by this Part of this Act shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may be approved by the Minister of Transport and the carriages run thereon shall be moved by animal or mechanical power provided that in the event of carriages being moved by electrical power the use of such power shall be subject to the provisions of this Part of this Act and of any regulations to be prescribed by the Minister of Transport in this Part of this Act referred to as "the Minister of Transport's regulations" which regulations shall contain such provisions as the said Minister may think necessary for securing to the public all reasonable protection against danger arising from the use under this Part of this Act of electrical power on the said tramroad:

Gauge and
motive
power of
tramroad.

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Provided also that in the said event and in the event of the construction by the Board of electrical apparatus for any purpose under this Act the Board shall so construct maintain and use their electric lines and other works of all descriptions and shall so maintain and work the said tramroad in all respects as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such telegraphic line.

Provisions
as to use of
electrical
power.

47. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the carriages :—

- (1) The Board shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Board shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Minister of Transport's regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Board shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus.

if and so long as they adopt and employ at the option of the Board either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Minister of Transport's regulations and in prescribing such means the Minister shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking : A.D. 1922.

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Board and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Minister of Transport or at the option of the Minister by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) The Board using electrical power contrary to the provisions of this Part of this Act or of the Minister of Transport's regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the

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Minister of Transport if in his opinion the Board in the use of electrical power under the authority of this Part of this Act have made default in complying with the provisions of this Part of this Act or the Minister of Transport's regulations may by order direct the Board to cease to use electrical power and thereupon the Board shall cease to use electrical power and shall not again use the same unless with the authority of the Minister of Transport, and in every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order;

(8) The expression "Board" in this section includes licencees and any person owning working or running carriages over the tramroad of the Board.

Tramroad not to be fenced.

48.—(1) Where the tramroad authorised by this Part of this Act passes through any fence or crosses any road or public footpath suitable and efficient provision shall be made by gates or otherwise to prevent the straying of cattle or sheep but the tramroad shall not be fenced so as permanently to sever any land through which it passes.

(2) Provided that suitable gates with safety points shall be provided by the Board to safeguard the level crossing of any public road and that the arrangements with regard to the provision and working of such gates and safety points shall be subject to the approval of the Minister of Transport.

(3) Provided also that the speed of carriages on the tramroad shall not exceed twenty miles an hour nor where the tramroad crosses any public road on the level such less speed as the Minister of Transport may approve.

Tramroad not to be used for passenger traffic.

49. No passengers other than officers servants and workmen of the Board or of their contractors or of the Sunderland Company shall be conveyed on the tramroad authorised by this Part of this Act.

As to removal of tramroad.

50. So soon as all work in connection with the construction of the works by this Act authorised shall have been finally completed and all surplus material

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shall pay and make good to the railway company all loss damages and expenses which the railway company shall sustain or incur by or in consequence of the laying maintenance or user of or the bursting of or any accident to the authorised works or any reservoir of the Board or otherwise howsoever Provided that if the said engineer shall not within twenty-eight days after such plans drawings and specifications have been submitted to him for approval notify the Board in writing his disapproval thereof or of any of them he shall be deemed to have approved thereof :

- (2) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works under their powers existing at the date of the passing of this Act that the position of the authorised works should be altered the Board shall on receiving notice in writing from the railway company so to do at the Board's own cost and with all despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (3) If the railway company give to the Board notice that the railway company desire to lay or construct so much of the authorised works or to carry out any renewals repairs or alterations thereto as will affect any railway works or property belonging to them the railway company may execute the works and recover the reasonable cost thereof from the Board :
- (4) In the case of any difference between the Board and the railway company or their respective engineers touching the meaning or effect of this section or in relation to anything done or to be done under its provisions the same shall be determined by a single arbitrator to be appointed in case of difference by the President of the Institution of Civil Engineers :

not required therefor shall have been removed the Board shall take up and remove the tramroad Work No. 11 by this Act authorised.

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51. Subject to the provisions of this Act the Works Nos. 1 to 11 inclusive by this Act authorised shall for all purposes be deemed part of the water undertaking of the Board.

Works to form part of water undertaking.

52. The period limited by section 14 (Period for completion of works) of the Weardale Act of 1920 for the completion of the lines of pipes Works Nos. 5 6 7 and 8 authorised by that Act is hereby extended until the expiration of five years after the passing of this Act.

Extending period for completion of works.

53. The following provisions for the protection of the North Eastern Railway Company (in this section called "the railway company") shall unless with the previous consent of the railway company in writing apply and have effect:—

For protection of North Eastern Railway Company.

- (1) All mains pipes or other works laid or proposed to be laid or maintained by the Board under the powers of this Act over under or along any railway of the railway company shall if they are carried over the railway be so carried that the bottom of any such main pipe or other work 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 a culvert or culverts of sufficient dimensions to admit of such mains pipes or other works being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than three feet and in laying and maintaining any mains pipes culverts or other works (hereinafter called "the authorised works") over upon across or under any work or property of the railway company the Board shall execute and maintain the authorised works under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans drawings and specifications previously submitted to and reasonably approved by him and

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highways and bridges repairable by or belonging to the council (other than any main road or county or main road bridge or any approach thereto) as if the same were re-enacted in this Act and as if the council and their surveyor were referred to therein instead of the county council of the county of Durham and their surveyor and as if the said highways and bridges were referred to therein instead of any main road or county or main road bridge :

- (3) Nothing in this Act contained shall prevent the council making a claim against the Board under the Highway Acts for damage for extraordinary traffic in respect of any road repairable by the council :
- (4) Notwithstanding anything in this Act contained the powers conferred by the section of this Act of which the marginal note is "Purchase of rights and interests in compensation waters" shall not be exercised in respect of any compensation or other waters which the Board are required to discharge from Tunstall Reservoir or Burnhope Reservoir except with the previous consent in writing of the council but such consent shall not be unreasonably withheld nor be the subject of any monetary payment by the Board :
- (5) Any difference arising between the council and the Board under the foregoing provisions of this section shall be referred to and determined by an engineer to be agreed upon between the council and the Board or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (6) If it shall be proved that the water supply to any of the premises set out in the schedule to this Act is diminished through the construction or user of any of the works by this Act authorised the Board shall upon the written request of the owner lessee or occupier of the premises the water supply to which has been diminished afford

(5) The Board shall not without the consent in writing of the railway company purchase or take any property of the railway company but they may purchase and take and the railway company shall if required grant to the Board such right or easement or privilege over upon across or under any railway works or property of the railway company delineated on the deposited plans as shall be necessary for the purpose of constructing laying maintaining repairing renewing and using the authorised works and the Board shall not either temporarily or permanently enter upon use or interfere with any railway works of the railway company save only as far as may be necessary for the purpose of laying maintaining and using the authorised works in accordance with the provisions of this Act:

(6) Provided always that nothing in this Act contained shall enable the Board to interfere with any station-house engine-shed warehouse shop water-pipe or well of the railway company without their consent in writing first had and obtained.

54. The following provisions for the protection of the rural district council of Weardale (in this section referred to as "the council") shall unless otherwise agreed between the Board and the council apply and have effect (that is to say):—

For protection of Weardale Rural District Council.

(1) Notwithstanding anything in this Act contained or shown on the deposited plans the Board shall not stop up divert or otherwise interfere with the footpaths crossing the lands numbered on the deposited plans 58 59 65 66 152 and 153 and alongside of the southern fence of the land numbered on the said plans 151 in the parish of Stanhope nor the cart track leading from Pryhill to Hollinhill:

(2) The provisions of subsections (6) (7) (8) (9) and (10) of section 40 (For protection of Durham County Council) of the Act of 1902 shall extend and apply to the execution of the works by this Act authorised and the exercise of the powers of this Act so far as they affect any

to such owner lessee or occupier 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 lessee or occupier shall be the same after as before such diminution took place : A.D. 1922.

- (7) Subsection (1) of section 28 (For protection of Weardale Rural District Council) of the Act of 1915 is hereby repealed.

PART IV.

SUPPLY OF WATER.

55.—(1) The proviso to subsection (3) of section 28 (Application of Company's Acts to Board) of the Act of 1920 is hereby repealed. Rates for supply of water.

(2) The last proviso to subsection (1) of section 22 (Alteration of rates for supply for domestic purposes) of the Weardale Act of 1920 is hereby repealed and from and after the usual quarter day which shall happen next after the passing of this Act the Board may charge for a supply of water for domestic purposes rates not exceeding the rates per annum specified in the said section 22 of the Weardale Act of 1920.

56. In the event of the Minister of Health being satisfied that the cost of labour and materials or other circumstances affecting the undertaking of the Board have substantially altered he may if he thinks fit on the application of the Board or of a local authority having jurisdiction within the limits for the supply of water by the Board made at any time after the expiration of five years from the passing of this Act by order vary either by way of increase or decrease the rates for the supply of water which the Board are by this Act authorised to charge from and after the usual quarter day which shall happen next after the passing of this Act : Revision of rates.

Provided that the rates prescribed in any such order shall be of such amounts as to provide for the payments first to fourthly inclusive set out in section 43 (Application of water revenue) of the Act of 1920 together with a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to thirty thousand pounds :

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Provided also that the rates for the time being in force under any such order may in the like event be varied in like manner at any time after the expiration of any or every period of five years after they were last altered.

Local
authorities'
guarantee.

57.—(1) The mayor aldermen and citizens of the city of Durham and the council of any urban or rural district situate wholly or partly within the limits of supply may give and enter into any guarantee or contract for securing payment to the Board of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such corporation or council and the Board for the purpose of or with respect to the providing or laying down by the Board of any main or pipe or works for the supply within any part of such city or district which is within the limits of supply.

(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 corporation or council they may incur expenditure and any such corporation or 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 Board under this section :

Provided that any money paid by a rural district council under the provisions of this section shall be deemed to be special expenses within the meaning of section 229 (Expenses of rural authority) of the Public Health Act 1875 which are chargeable on the parishes or contributory places in respect of which such money is paid.

Inter-
ference with
valves pipes
and fittings.

58. Every person who shall wilfully (without the consent of the Board) or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable on conviction to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply

to a consumer closing a valve fixed on his communication pipe. A.D. 1922.

59. If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Board for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter. Power to Board to repair communication pipes.

60.—(1) The water supplied by the Board need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Board in every case to determine the particular service reservoir or tank from which the supply is to be taken nor need the water be constantly laid on under pressure to any dwelling-house erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by the Board to such dwelling-house. Limit of pressure.

(2) The following sections of the following Acts are hereby repealed (that is to say):—

Of the Act of 1860—

Section 35 (Limiting pressure of supply of water):

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Of the Act of 1866—

Section 30 (Water not to be laid on under pressure) :

Of the Act of 1869—

Section 20 (Water need not be constantly laid on) :

Of the Act of 1894—

Section 28 subsection (1) (Extent of application of former Acts to extended limits) so far as the same relates to pressure and the constant supply of water.

PART V.

FINANCIAL AND MISCELLANEOUS.

Power to borrow.

61.—(1) The Board 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 pay off all moneys 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) :—

1.	2.	3.
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of land and easements for the purpose of the waterworks authorised by this Act and the construction of the works numbered 1 2 3 4 5 6 7 8 9 and 10	£ 1,130,200	Sixty years from the date or dates of borrowing.
(b) For and in connexion with the construction of Work No. 11	14,800	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act as hereinafter defined	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Board may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(b) 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 Minister of Health.

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(c) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

(3) The Board shall forthwith give to the Sunderland Company notice of any application made by the Board to the Minister of Health under the last preceding subsection of this section.

62. The following provisions of the Act of 1920 shall with all necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Application of provisions of Act of 1920.

- Section 35 Mode of raising money;
- Section 36 Provisions of Public Health Act 1875 as to mortgages to apply;
- Section 37 Mode of payment off of money borrowed;
- Section 38 Sinking fund;
- Section 39 Appointment of receiver;
- Section 40 Application of money borrowed;
- Section 41 Application of moneys arising from sale &c. of lands;
- Section 42 Board may issue stock;
- Section 45 Audit;
- Section 47 Inquiries by Minister of Health;
- Section 48 Power to invest all sinking funds in statutory securities;
- Section 49 Returns as to sinking funds;
- Section 50 Board not to regard trusts;
- Section 51 Protection of lender from inquiry; and
- Section 52 Judges not disqualified.

63.—(1) As from the date when the construction by the Board of the Works Nos. 1 to 11 inclusive by this Act authorised (in this section called "the joint works") shall be commenced the Sunderland Company save as

As to construction and maintenance of works.

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A.D. 1922. is hereinafter provided shall in every year pay to the Board fifty-four per centum of the annual interest and sinking fund charges payable in that year by the Board in respect of the moneys borrowed by them for the cost of the construction of the joint works including the cost of the acquisition of any lands or easements therefor and of the costs of obtaining this Act. Provided that the Board shall in every year credit the Sunderland Company with fifty-four per centum of all interest (if any) earned in that year on all moneys so borrowed by the Board.

(2) The Sunderland Company may in lieu of making the payments in respect of interest and sinking fund charges referred to in subsection (1) of this section from time to time elect within four months after being requested so to do by the Board (which request the Board shall make) to meet their proportion of the part of the said cost of construction to which such request refers by capital payments in cash and if the Sunderland Company so elect they shall as sums become payable by the Board on account of such part of the cost of construction pay to the Board their proportion as aforesaid of such sums within one month from the receipt by the Sunderland Company from the Board of particulars of such sums with a request for payment of such proportion. The Board shall at the same time as they request the Sunderland Company to elect as aforesaid submit to the Sunderland Company an estimate of the amount of such cost of construction and the probable dates on which payments on account of such cost will be required from the Sunderland Company and particulars of the terms on which the Board are proposing to raise the moneys necessary to meet such cost of construction. The Sunderland Company shall not be liable to make to the Board any payment for interest and sinking fund charges in respect of any moneys borrowed for the construction of any part of the joint works in any case in which the Sunderland Company shall have contributed their proportion of the cost of such part by a capital payment or payments.

If any question shall arise between the Board and the Sunderland Company as to any sums which the Sunderland Company shall have been requested so to pay the same shall unless agreed between the Board and

the Sunderland Company be referred to the decision of the standing arbitrator and the Sunderland Company shall pay to the Board together with any sum which the standing arbitrator shall decide to be due from the Sunderland Company to the Board interest at the rate of five pounds per centum per annum upon such sum from one month after the receipt of the said request for payment to the date of payment Provided always that the Sunderland Company shall within the said one month pay to the Board so much of any sum so requested as is not in question. A.D. 1922.

(3) Any sum of money due from the Sunderland Company to the Board under the provisions of subsection (1) of this section if and so far as the same is not met by a capital payment shall as between the Board and the Sunderland Company be deemed part of the working expenses of the Sunderland Company for the year in respect of which such sum of money is due but nothing in this subsection shall prevent the Sunderland Company at any time raising such sum or any part thereof by the issue of capital or by borrowing.

(4) The expenses of the management (including rates and taxes) directly attributable to and of the maintenance of the joint works shall as between the Board and the ~~Sunderland Company be borne by the Board and the~~ Sunderland Company in the proportions of forty-six hundredths thereof by the Board and fifty-four hundredths thereof by the Sunderland Company The Board shall at least two months before the commencement of any half year ending on the thirtieth day of June or the thirty-first day of December render to the Sunderland Company an estimate of the said expenses of management and maintenance for such half year and the Sunderland Company shall pay their said proportion of the expenses shown by each such estimate to the Board as to one half thereof three months after the commencement of such half year and as to the remaining one half at the end of such half year.

The Board shall so soon as practicable after the end of each such half year render to the Sunderland Company an account of the said expenses for such half year and due adjustment shall be made forthwith between the Board and the Sunderland Company to meet any difference between such expenses and the estimate

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thereof so rendered as aforesaid and in making any such adjustment interest at the rate of five pounds per centum per annum shall be paid to or allowed by the Board by or to the Company on any such difference as the case may require from the date when the payment so adjusted was or should have been made to the date of the adjustment.

(5) If any such account shall be objected to by the Sunderland Company they shall within two months after the receipt thereof notify their objection in writing to the Board and the objection shall unless agreed between the Board and the Sunderland Company within one month after notification thereof be referred to the decision of the standing arbitrator and the Sunderland Company on paying their proportion of the estimated amount of such management and maintenance expenses for either of the two half years commencing next after the decision of the standing arbitrator may make such deduction (if any) from such proportion as may be necessary to give effect to the decision of such arbitrator on the account so objected to by them together with interest at the rate of five pounds per centum per annum upon the amount which they are entitled to deduct from the date when such amount was paid by them to the Board to the date of the payment from which such deduction is made.

(6) Before undertaking the construction of the joint works the Board shall submit all proposed arrangements or agreements relating thereto which are likely to affect the interests of the Sunderland Company and all plans and specifications of the joint works to the Sunderland Company for their consideration and approval and the Sunderland Company shall within two months from such submission notify to the Board their approval or disapproval thereof and if they fail so to do shall be deemed to have approved thereof. If any difference shall arise between the Board and the Sunderland Company with respect to any such matter such difference shall unless agreed between them be referred to the decision of the standing arbitrator.

(7) The construction management maintenance and control of the joint works shall be and remain in the hands of the Board but the Sunderland Company shall be at liberty at all times to inspect such works and to make representations to and to confer with the Board or their engineer on matters affecting such construction

management maintenance and control and to inspect the accounts of the Board in so far as they relate to expenditure in which the Sunderland Company is interested. The Board shall keep records of the rainfall of the catchment area supplying the joint works and of the quantity of water received and discharged each day into and from the joint works and the company shall be at liberty at all reasonable times to inspect and take extracts from any such records. The Board and the Sunderland Company shall each maintain on their respective works at or near the respective points where water is taken by the Board and delivered to the Sunderland Company under this Act an automatic recording gauge or meter of a form agreed between them or settled by the standing arbitrator for measuring the water taken by the Board and delivered to the Sunderland Company under this Act and each of them shall be at liberty to inspect and test the meter and gauge of the other of them. A.D. 1922.

(8) All rights and powers conferred by this Act in regard to or for the purposes of Works Nos. 12 to 18 inclusive authorised by this Act shall vest in and be exerciseable by the Sunderland Company and the said works when constructed shall form part of their undertaking.

(9) The Board shall secure and transfer or demise in perpetuity to the Sunderland Company a suitable piece of land in proximity to the point mentioned in subsection (1) of the section of this Act of which the marginal note is "Apportionment of water" which shall be sufficient to allow of the erection thereon by the Sunderland Company of all necessary filters meters and other subsidiary works for filtering and measuring the water to be supplied to the Sunderland Company under the provisions of this Act.

If any question shall arise between the Board and the Sunderland Company as to the suitability or sufficiency of such site for the said purposes or as to the price or rent to be paid by the Sunderland Company therefor or as to any terms and conditions of any such lease such question shall unless agreed between the Board and the Sunderland Company be referred to the decision of the standing arbitrator.

64.—(1) Within three months after the passing of this Act a standing arbitrator shall be appointed to Standing arbitrator.

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A.D. 1922. determine questions between the Board and the Sunderland Company submitted to him under or referred to him by the provisions of this Act.

(2) The standing arbitrator shall be such person as may be agreed between the Board and the Sunderland Company or failing agreement as may be nominated on the application of either party by the President of the Institution of Civil Engineers. The person so appointed shall hold office for one year after the date of his appointment unless requested to continue his duties by both parties and in that case he shall continue to act as standing arbitrator for the period named in the request and such period may be extended from time to time at the joint request of the Board and the Sunderland Company.

(3) If for any reason the person appointed ceases to hold the office of standing arbitrator another person shall be appointed to the office in the same manner and on the same terms as the person first appointed.

This Act to be deemed a submission under Arbitration Act 1889.

65. This Act shall be deemed within the meaning and for the purposes of the Arbitration Act 1889 to be a submission by the Board and the Sunderland Company to the standing arbitrator as a single arbitrator of all matters or questions which by this Act are referred to the decision of the standing arbitrator.

Review of decisions.

66. The standing arbitrator shall on the request of the Board or the Sunderland Company review any previous decision of himself or of any former arbitrator but any alteration of any such decision shall have prospective operation only and shall not affect anything done or suffered under the decision reviewed.

Remuneration of standing arbitrator.

67. The remuneration of the standing arbitrator shall be fixed from time to time by agreement between the Board and the Sunderland Company and in case of difference shall be settled by the Minister of Health on the application of either party and such remuneration shall be paid as to one-half by the Board and as to the other half by the Sunderland Company.

Repeal of provisions of Acts of

68. From and after the passing of this Act in addition to the provisions of the Company's Acts which are repealed by this Act the following provisions of the Act

12 & 13 GEO. 5.] *Durham County Water Board Act, 1922.* [Ch. lxxiii.]

of 1860 the Act of 1866 the Act of 1902 the Act of 1915 and the Weardale Act of 1920 are also hereby repealed :—

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 1860 1866
 1902 1915
 and the
 Weardale
 Act of 1920.

Act of 1860—

- Section 46 (What shall be deemed domestic purposes);
- Section 49 (Water supplied by agreement);
- Section 58 (Scale for supply by meter):

Act of 1866—

- Section 38 (Water for other than domestic purposes):

Act of 1902—

- Section 14 (Power to take waters);
- Section 15 (Power to take water during construction of works &c.);
- Section 16 (As to compensation water);
- Section 17 (Provision for discontinuance of compensation water from existing Tunstall reservoir);
- Section 18 (Provision for partial discontinuance of compensation water into Was-crow or Waskerley Beck);

Section 19 (As to discharge of compensation water);

Section 20 (Company to maintain gauges);

Section 21 (Compensation for injury done);

Section 22 (Penalty);

Section 23 (Relief of Company from obligation to make and maintain fish passes);

Section 24 (For protection of Board of Conservators of Wear Fishery District):

Act of 1915—

Section 18 (Provision for partial discontinuance of compensation water into Was-crow or Waskerley Beck);

Section 21 (Certain provisions of Weardale Act of 1902 as to works to apply);

Section 25 (Accommodation for workmen employed on construction of works);

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- Section 26 (For protection of Durham County Council);
- Section 30 (Provision for construction of Burnhope reservoir);
- Section 32 (Limit of pressure);
- Section 43 (Commencement of provisions of this Act and repeal of existing provisions);
- Section 69 (Power to Board of Trade to extend time limited for taking lands and waters and constructing works):

The Weardale Act of 1920—

- Section 16 (Amendment of section 16 of Act of 1915);
- Section 17 (Amendment of section 21 of Act of 1915);
- Section 24 (Amendment of section 43 of Act of 1915).

Costs of Act.

69. 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 Board out of the revenues or out of money to be borrowed under this Act for that purpose.

SCHEDULE.

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Premises in the Weardale Rural District referred to in subsection (6) of the section of this Act of which the marginal note is "For protection of Weardale Rural District Council" :—

Allers Lea.
Low Allers.
North Grain.
High Rigg.
Middle Rigg.
Low Rigg.
Wham.
High Wham.
High Ling Riggs (three cottages).
Lain Hill (six cottages).
Hawkswell Head (two cottages).
High Rigg House Farm.
Pryse.
Thatch Mires.

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