



CHAPTER cl.

An Act to authorise the urban district council of A.D. 1914.

Northwich to construct new waterworks and to acquire additional lands to sanction and confirm the construction of existing waterworks to extend the limits for the supply of water by the Council to confer further powers on the Council in regard to their water undertaking and to make further and better provision for the improvement health and local government of the district and for other purposes.

[7th August 1914.]

WHEREAS the district of Northwich in the county of Chester (in this Act referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Northwich (in this Act referred to as "the Council"):

And whereas by the Northwich Local Board Act 1885 (in 48 & 49 Vict.
c. cxx. this Act referred to as "the Act of 1885") the Northwich Local Board (the predecessors of the Council) were authorised to construct certain waterworks in extension of their existing waterworks and to purchase the undertaking of a company who at the date of the passing of the Act of 1885 were supplying water in the portion of the district not supplied by the Council and also in a portion of an adjoining parish which now forms part of the parish of Rudheath:

And whereas the Council on lands acquired by them have constructed other waterworks and doubts have arisen as to whether such works were within the powers of the Council and it is

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. expedient that such works should be sanctioned and confirmed as in this Act provided :

And whereas the supply of water afforded by the Council is inadequate to meet the growing needs and demands of the district and it is expedient that they should be empowered to construct new works for the purpose of increasing their existing supply :

And whereas it is expedient that the limits of the Council for the supply of water should be extended so as to include the parish of Rudheath in the rural district of Northwich in the county of Chester in portions of which parish the Council are now supplying water :

And whereas it is expedient that such further provisions as are in this Act contained should be made with respect to the water undertaking of the Council :

And whereas it is expedient that the Council should be empowered to borrow money for the construction of the waterworks by this Act authorised and for other purposes of this Act :

And whereas estimates have been prepared by the Council for the purchase of land and easements for and the execution of the waterworks by this Act authorised and such estimates amount to the sum of twenty thousand pounds and the several works included in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient to make further provision in regard to streets and buildings in the district and that the powers of the Council in relation to the health local government and improvement of the district be enlarged as by this Act provided :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the consent of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken or used for the purposes or under the powers of this Act with a book of reference to such plans containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of those lands and plans of the existing works to be sanctioned and confirmed by this Act were duly deposited with the clerk of the peace for the county of Chester and are in this Act referred to as the deposited plans sections and book of reference: A.D 1914.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Northwich Urban District Council Act 1914. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Streets Buildings Sewers and Drains.

Part IV.—Infectious Disease and Sanitary Provisions.

Part V.—Financial.

Part VI.—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 (except section 127 of the Lands Clauses Consolidation Act 1845);

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.
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(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts; and

- (3) 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 works by this Act authorised and "the centre of the railway" means the boundaries of the reservoir and the centre lines of the aqueducts.

Interpreta-
tion.

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

"The district" means the urban district of Northwich in the county of Chester;

"The Council" means the urban district council of the district;

"The rural council" means the rural district council of Northwich in the county of Chester;

"The Act of 1885" means the Northwich Local Board Act 1885;

"The limits of supply" means the area within which the Council are for the time being authorised to supply water;

"The water revenue" means and includes all moneys received by the Council for or in relation to their water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

"The clerk" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the clerk the medical officer of health the surveyor and the inspector of nuisances of the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

- “The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district; A.D. 1914.
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture-stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- “Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

PART II.

WATER.

5. The construction of the existing works next hereinafter described together with all incidental and ancillary pipes filters Confirma-
tion of con-
struction of

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.
—
existing
works.

works and apparatus upon the lands shown upon the deposited plans relating thereto is hereby sanctioned and confirmed and such works shall be deemed to have been lawfully constructed and the Council may for the purposes of their water undertaking maintain and use and from time to time upon the said lands alter improve enlarge extend renew reconstruct or discontinue such works or any of them and may retain hold and use for the purposes of such works respectively and for the general purposes of their water undertaking any of the lands so shown or any interests therein which have been already acquired by them for the purposes of or in connection with their water undertaking or the said works or any of them.

The existing works hereinbefore referred to are situate in the county of Chester and are—

Wells and boreholes upon lands near Cote Brook in the parish of Utkington (otherwise Utkinton) in the urban district of Tarporley which said lands contain by ad-measurement three acres and four perches or thereabouts and comprise the enclosure numbered 394 on the $\frac{1}{2500}$ ordnance map of the said parish (Sheet XL 10 edition of 1910).

Power to
construct
new water-
works.

6. Subject to the provisions of this Act the Council may in the county of Chester and in the lines and situation and upon the lands delineated on the deposited plans and according to the levels shown upon the deposited sections make and maintain the waterworks hereinafter described and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference.

The waterworks hereinbefore referred to and authorised by this Act are as follows:—

Work No. 1.—A pumping station (to be known as the Sandyford Pumping Station) in the parish of Delamere in the rural district of Northwich with a well or wells borings boreholes drifts adits and other works and conveniences connected therewith to be situate in or near the southern portion of the field or enclosure numbered 88 on the $\frac{1}{2500}$ ordnance map of the said parish (Sheet XL 10 edition of 1910):

Work No. 2.—A covered reservoir (to be known as the Hollins Hill Reservoir) situate wholly in the parish of

Utkington (otherwise Utkinton) in the urban district of Tarporley in or upon land forming part of the enclosures numbered 401 411 and 412 on the $\frac{1}{2500}$ ordnance map of the said parish (Sheet XL 9 and Sheet XL 10 edition of 1910):

A.D. 1914.

Work No. 3.—An aqueduct conduit or line or lines of pipes commencing in the said parish of Delamere at or in the said intended pumping station (Work No. 1) and terminating in the said parish of Utkington (otherwise Utkinton) at or in the said intended reservoir (Work No. 2):

Work No. 4.—An aqueduct conduit or line or lines of pipes commencing in the said parish of Utkington (otherwise Utkinton) at or in the said intended reservoir (Work No. 2) and terminating in the parish of Weaverham (otherwise Weaverham-cum-Milton) in the said rural district of Northwich at or in the existing reservoir of the Council (known as the Heywood or Heyeswood Reservoir) authorised by the Act of 1885 and situate in the said parish of Weaverham (otherwise Weaverham-cum-Milton) in the enclosure numbered 129 on the $\frac{1}{2500}$ ordnance map of the said parish (Sheet XXXIII 16 edition of 1910).

7. In addition to the foregoing works the Council may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them or for obtaining raising filtering storing and distributing water or for the general purposes of the water undertaking but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Subsidiary works.

8. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also

Limits of deviation.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say):—

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

Except for the purposes of crossing over a stream or railway no part of the aqueducts conduits 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.

Correction
of errors in
deposited
plans and
book of
reference.

9. If there be any omission misstatement 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 Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Chester for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerks of the councils of the districts or parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of the councils respectively 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 Council to take the lands and execute the works in accordance with such certificate.

Provisions
as to com-
pensation.

10. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal to whom any such question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the first day of

January one thousand nine hundred and fourteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act. A.D. 1914.

11.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Costs of arbitration in certain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error or mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

12. If the works by this Part of this Act authorised are not completed within five years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Provided always that subject to the restrictions and provisions of this Act the Council may at any time after the Period for completion of works.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. — expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Works to form part of undertaking.

13. The waterworks by this Act authorised sanctioned and confirmed shall form part of the existing water undertaking of the Council and all statutory powers and provisions for the time being in force with respect to the said undertaking including the powers conferred by this Act shall so far as applicable extend and apply to and in connection with the said waterworks.

Power to take waters.

14. Subject to the provisions of this Act the Council may raise collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams and waters as may be raised taken or intercepted by the existing waterworks of the Council or by the works by this Act sanctioned confirmed or authorised Provided that notwithstanding anything contained in this section the proviso to section 7 (Power to take lands and waters) and section 8 (Provisions as to measuring gauges) and subsections (1) and (2) of section 21 (For protection of Sir P. le B. Grey Egerton Baronet) of the Act of 1885 shall apply and extend to the taking and diverting of water from the springs streams and brooks therein mentioned by means of the works authorised by the Act of 1885 and constructed on the lands shown on the deposited plans and described in the deposited book of reference in the said Act mentioned.

Council may acquire easements only in certain cases.

15.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council 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. A.D. 1914.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easements in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

16. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

17. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Council 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. As to private rights of way over lands taken compulsorily.

18. Subject to the provisions of this Act the Council in addition to any other lands which they are by the Act of 1885 and this Act authorised to acquire may by agreement purchase or take on lease and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres. Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands purchased or taken on lease under this section 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 in connection with the water undertaking. Power to purchase additional lands by agreement.

19.—(1) For the purpose of protecting any of their waters and waterworks against pollution fouling contamination nuisance encroachment or injury the Council may by agreement purchase acquire and take on lease any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of their water undertaking or are by this Act authorised to acquire so long as they shall deem it necessary or expedient for those purposes. Provided that the Council shall Power to purchase and hold lands and exercise powers for protection of waters and water-works.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. 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 the water undertaking and such buildings and works as may be incident to or connected with the said undertaking.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses 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 Council are empowered to take from being polluted and the Council 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.

Persons
under
disability
may grant
easements
&c.

20. 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 Council 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.

21. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time 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 in case of sale 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 or the Act of 1885 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. A.D. 1914.

22. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any well adit or other work constructed or maintained under the powers of the Act of 1885 or this Act with reference to the execution by the Council 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 so flowing or percolating. Power to agree as to drainage of lands &c.

23. The Council on selling any lands acquired by them in connection with their water undertaking and not required for that purpose 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. Reservation of water rights &c. on sale.

24. The Council shall apply all moneys received by them in respect of sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Council on capital account under this Part of this Act in or towards paying off any moneys borrowed and for the time being owing by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. Application of moneys arising from sale of land.

A.D. 1914.

Application
of Water-
works
Clauses Act
1847 to
pipes &c.

25. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to lay down or erect for the purposes of their water undertaking.

For pro-
tection of
Postmaster-
General.

26. No telephone or telegraph posts wires conductors or other apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

Temporary
discharge
of water
into streams.

27.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining the aqueducts reservoirs and other waterworks of the Council the Council may cause the water in such works or any of them to be temporarily discharged into any available stream or watercourse.

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

Pressure.

28. The water to be supplied by the Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir from which the supply shall be taken.

As to
exercise of
powers of
section 12 of
Waterworks
Clauses Act
1847.

29. The Council may on all or any of the lands for the time being held by them in connection with their water undertaking execute for the purposes of or in connection with the said undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Council shall not under the powers of this section 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 in connection with the water under- A.D. 1914.
taking.

30. The Council shall not construct any works for taking or intercepting water from any lands acquired by them in connection with the water undertaking unless the works are authorised by this or some other Act of Parliament and the lands on which the same are to be constructed are specified in this or some other Act of Parliament Provided that nothing in this section shall be deemed to prohibit the deepening or enlargement of any existing borehole or well of the Council.

Limiting powers of Council to abstract water.

31. For the purpose of supplying water within the limits of supply the Council shall within such limits have the powers of a local authority under section 54 of the Public Health Act 1875 in respect of the carrying of water mains within and without their district and for the purposes of that section the parishes within the limits of supply shall be deemed to be included in the district of the Council.

Application of provisions of Public Health Acts as to laying of water mains.

32. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act and the Act of 1885.

Power to lay pipes in streets not dedicated to public use.

33. From and after the passing of this Act the limits for the supply of water by the Council shall be extended so as to include in addition to their existing limits the parish of Rudheath in the rural district of Northwich in the county of Chester and the Council shall have and may exercise within the said limits as extended all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the limits for the supply of water by the Council as defined by section 4 (Water limits) of the Act of 1885 and the provisions of the said Act and of this Act relating to the water undertaking shall extend and apply accordingly throughout the limits of supply.

Extension of limits for supply of water.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

For pro-
tection of
Northwich
Rural
District
Council.

34.—(1) If within six months after the passing of this Act the rural council shall give notice in writing to the Council of their desire to purchase the water mains pipes and apparatus of the Council within the parish of Rudheath the Council shall as from the date when they commence to supply water from the Sandyford Pumping Station sell and the rural council shall purchase such mains pipes and apparatus at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Arbitration Act 1889 Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all powers rights and obligations of the Council with respect to the distribution of water within the parish of Rudheath shall cease and determine.

(2) From and after completion of the purchase referred to in the last subsection of this section the Council shall give to the rural council in perpetuity in bulk and the rural council shall accept and take at the price of ninepence per one thousand gallons all the water necessary for distribution by the rural council for ordinary trade domestic and sanitary use throughout so much of the parish of Rudheath as lies to the north of the road leading from Davenham to Lach Dennis Such supply shall be taken at a uniform rate per diem at the point where the existing main of the Council crosses the boundary of the district with the parish of Rudheath or at such point on any aqueduct of the Council existing at the date of the commencement of such supply as may be agreed between the Council and the rural council.

(3) All water so taken shall be measured by a meter or other apparatus to be provided by the rural council and approved by the water engineer of the Council Such meter shall be placed in some suitable chamber or building to be provided by the rural council and such meter and all pipes valves and other apparatus connecting it with the main from which the supply is taken shall be fixed and constructed by the Council at the cost of the rural council The Council shall at all reasonable times be at liberty after giving twenty-four hours' notice to the

rural council to inspect such meter and the works appertaining thereto and to test the accuracy thereof and if necessary to require the same to be repaired and maintained at the expense of the rural council. A.D. 1914.

(4) If at any time within six months after the passing of this Act the rural council shall by notice in writing to the Council require a further supply of water in bulk not exceeding twenty thousand gallons a day the Council shall as from the date when they commence to supply water from the Sandyford Pumping Station authorised by this Act supply to the rural council in perpetuity and the rural council shall accept and take such further quantity of water as may have been demanded in the notice not exceeding the maximum as aforesaid at the price of ninepence per one thousand gallons and such last mentioned supply shall be taken at a uniform rate per diem at such point on any aqueduct of the Council existing at the date of the giving of such supply and convenient for the purpose as may be agreed between the Council and the rural council. The water taken by the rural council from the Council under this subsection of this section shall not be used by the rural council for distribution within any part of any parish in which the rural council may be supplying water obtained in bulk from the Middlewich Urban District Council without the consent of that council. The provisions of subsection (3) of this section shall apply in regard to any water supplied by the Council to the rural council under this subsection of this section.

(5) The Council shall not be liable for any damage loss or expense caused by any failure in the supply of water to the rural council if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Council or during any time when the works of the Council shall be undergoing necessary repairs or cleansing but no payment in respect of water under this section shall be demanded by the Council during the period whilst such supply is suspended.

(6) All payments for the water supplied shall be made quarterly on the first day of January the first day of April the first day of July and the first day of October in every year.

(7) Any difference between the Council and the rural council under this section shall be settled by an arbitrator to be appointed by agreement or in default of agreement by the

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889.

Rates for water-closets and baths.

35. So much of section 23 of the Act of 1885 as authorises the Council to charge rates for a second watercloset and for a private bath is hereby repealed and from and after the passing of this Act the Council may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for supply of water for domestic purposes.

36.—(1) Notwithstanding anything contained in section 23 of the Act of 1885 where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(2) Nothing in the said section 23 shall entitle the Council in any case to demand for the water rate for any house or part of a house included in any division of the scale prescribed by the said section a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

Supply of water by hose pipe to stables &c.

37. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

As to communication pipes.

38.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or

apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. A.D. 1914.

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

39. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which is situate in a highway and which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs shall be recoverable by the Council 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. Power to Council to repair communication pipes.

40. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council. Maintenance of common pipe.

41. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Council not bound to supply several houses by one pipe.

42. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect Notice of discontinuance.

A.D. 1914. — unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Power to
sell meters.

43. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to
Council of
connecting
or discon-
necting
meters.

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

Power to
supply
fittings &c.

45.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof:

Provided as follows:—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection

therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

A.D. 1914.

- (B) Every sum charged by the Council in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer:
- (c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Council for such year.

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

Penalty for
injuring
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used the water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or

A.D. 1914. — for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Detection of waste.

47. Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stop cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

For protection of urban district council of Middlewich.

48. For the protection of the urban district council of Middlewich (in this section referred to as "the owners") the following provisions shall apply and have effect unless otherwise agreed in writing between the Council and the owners (that is to say):—

- (1) If by reason of the pumping by the Council at the Sandyford Pumping Station (Work No. 1) by this Act authorised or the execution of works in connection therewith there is caused any material diminution in the supply of water obtainable from the two boreholes or wells on lands belonging to the owners in the parish of Delamere so that the owners are unable without incurring increased cost per thousand gallons to raise or obtain such a supply of suitable water as is required

by the owners for the purpose of supplying the urban district of Middlewich the Cheshire County Council for the purpose of watering or repairing any main road in which the owners have laid their water mains the Crown estate in the vicinity of the waterworks of the owners in Delamere aforesaid eight cottages or dwelling-houses belonging to Colonel Charles Hosken France-Hayhurst in the parish of Wharton the parishes of Church Hulme and Tetton in the rural district of Congleton and the parishes of Bostock Davenham Kinderton Leftwich Moulton Sproston and Stanthorne in the rural district of Northwich and any other parishes districts or places not being within three miles of the district which after the passing of this Act the owners may covenant or agree to supply with the sanction of the Local Government Board by virtue of section 61 of the Public Health Act 1875 or any statutory modification thereof the Council shall with all reasonable speed after receiving a request in writing so to do from the owners supply from time to time to the owners so long as there is water available at the Sandyford Pumping Station such a quantity of suitable water as may be required to make good such diminution not exceeding in the whole two hundred and fifty thousand gallons in any one day of twenty-four hours In the event of the supply of water obtainable from the said two boreholes or wells of the owners being wholly depleted by the pumping or execution of works as aforesaid and so long as there is water available at the Sandyford Pumping Station the Council shall supply to the owners such an additional quantity of water over and above the said two hundred and fifty thousand gallons per day as the owners may require for the purposes aforesaid not exceeding in the whole fifty thousand gallons in any one day of twenty-four hours provided that such additional quantity so supplied shall not together with the said two hundred and fifty thousand gallons exceed thirty-three and one-third per cent. of the total quantity of water available at the said Sandyford Pumping Station at the time the water is supplied:

A.D. 1914.

A.D. 1914.

(2) The Council may if they think fit in lieu of affording a supply of water under subsection (1) of this section require the owners to pump water to such increased extent as may be necessary from the said two boreholes or wells belonging to the owners as aforesaid or require the owners at the cost of the Council after obtaining any necessary consent in writing thereto of the Commissioner of Woods in charge of the land revenues of the Crown in the county of Chester (which consent the owners shall make all reasonable efforts to obtain) to deepen or alter the said boreholes or wells of the owners or make such borings therein or headings therefrom or execute such other works as will provide the supply which the Council are bound under subsection (1) of this section to afford and in the event of the owners failing to carry out such works within a reasonable time after being required in writing by the Council so to do the Council may themselves with the consent of the owners (which consent shall not be unreasonably withheld) at their own expense and in a proper and reasonable manner (after obtaining any necessary consent of the Commissioner of Woods as aforesaid) carry out such deepening alteration borings or headings and the owners shall without making any charge therefor give the Council access and every facility for carrying out such works Any suitable water obtained by the owners by means of such works or as a result of any requirement of the Council under this subsection shall be allowed in reduction of the quantity of water which the Council are required to supply under subsection (1) of this section The Council shall afford to the owners a supply of water to make good the diminution during the construction of any such works If the owners sustain any loss or injury in consequence of the execution of such works the Council shall from time to time within one month after written demand pay to the owners the amount of such loss or injury and if in consequence of any requirement by the Council under this subsection the cost to the owners of obtaining water from the said boreholes or wells be greater per thousand gallons

than the average cost per thousand gallons of obtaining water therefrom during the period of twelve months next before the making of such requirement the Council shall from time to time within one month after written demand pay to the owners the amount of such increase of cost:

- (3) The Council shall supply the water to be supplied by them as aforesaid so far as reasonably practicable at such time or times during the day as the owners may demand and the Council shall charge and the owners shall pay for any such water so supplied as aforesaid such a price per thousand gallons as shall not exceed the average cost to the Council per thousand gallons of raising water from the said Sandyford Pumping Station (including the cost of repairs and maintenance but excluding all payments for sinking fund or interest or otherwise in respect of capital expenditure) during the period of twelve months preceding the date when such diminution shall have been caused:
- (4) The Council shall deliver the water to be supplied by them as aforesaid into the existing main of the owners or any main substituted therefor at a point known as Sandybrow and at a head or pressure not less than that now obtained from the existing reservoir of the owners in Delamere aforesaid and shall at their own expense provide and maintain in proper working order a suitable meter for measuring the water supplied together with all mains and works necessary to deliver such water into the said mains of the owners and shall give the owners facilities for inspecting and testing the accuracy of the said meter:
- (5) The accounts relating to any supply of water given by the Council to the owners under the provisions of this section shall be made up quarterly to the thirty-first day of March thirtieth day of June thirtieth day of September and thirty-first day of December in each year and the amounts due for the quarter's supply shall be paid by the owners to the Council within one month from the delivery to the owners of each such account:

A.D. 1914.
—

- (6) The Council shall not be liable in respect of any claim made by the owners under this section if the owners shall within a reasonable time after receiving a request in writing by the Council have failed to give to the Council all information in the owners' possession with regard to the quantities of water which the said boreholes or wells of the owners at Delamere have yielded at any time previous to the pumping by the Council at the said Sandyford Pumping Station or the execution of works in connection therewith and the quantities of water supplied to the urban district of Middlewich or to any other bodies persons or places or shall have failed to afford to the Council all reasonable assistance and facilities to enable them to ascertain the yield of the said boreholes or wells before and during the construction of the Sandyford Pumping Station and at any time subsequent thereto and the cause of any diminution in the said yield and the quantities of water supplied to the urban district of Middlewich or to other bodies persons or places. The Council shall pay to the owners any reasonable and proper expense which the owners may incur in giving such information assistance or facilities :
- (7) The owners shall not be called upon to prove that any diminution of their said water supply has been caused by the pumping by the Council at the said Sandyford Pumping Station or the execution of works in connection therewith but on the other hand it shall be competent for the Council to prove that such diminution has not been caused by such pumping or the execution of such works and if the Council establish such proof the owners shall pay to the Council within one month after demand all costs charges and expenses of the Council in doing so :
- (8) The owners and the Council shall at all times afford to the other of them and their duly authorised officials access to their respective waterworks aforesaid for the purpose of ascertaining and obtaining all information reasonably requisite or necessary for the protection of their respective interests and for the same purpose

shall afford all information and facilities reasonably required relating to such waterworks together with all reasonable evidence information and facilities within their power to enable them to ascertain and verify the cost of raising water at their respective waterworks : A.D. 1914.

- (9) Nothing in this Act shall prejudice or affect the rights liabilities or restrictions which the owners enjoyed or were subject to before the passing of this Act in relation to any extension or alteration of the existing waterworks of the owners at Delamere aforesaid but in the event of any such alteration or extension being made the Council shall be relieved of their liability under this section so far as and to the extent that any extension or alteration made by the owners after the passing of this Act otherwise than under subsection (2) of this section diminishes the owners' existing supply of water at such waterworks :
- (10) The aqueduct conduit or line or lines of pipes (Work No. 4) by this Act authorised where the same crosses the mains and pipes of the owners shall be laid and constructed in accordance with plans and sections to be submitted to and reasonably approved by the owners Provided that if the owners shall not approve or disapprove any such plans and sections within fourteen days after the same shall have been submitted to them the Council may proceed with the work without such approval :
- (11) Any dispute or difference which may from time to time arise between the Council and the owners under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 and any statutory modification thereof shall apply to any such arbitration.

49. The following provisions for the protection of the county council of the county palatine of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the

For protection of
Cheshire
County
Council.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. Council and the county council apply and have effect with respect to the exercise of any powers of the Council in connection with their water undertaking in or affecting any main road or any county or hundred bridge or approach thereto vested in the county council (that is to say):—

- (1) The notice required by section 30 of the Waterworks Clauses Act 1847 (except in cases of emergency and for laying connecting or repairing consumer's service pipes as to which three days' notice shall be sufficient) shall be given to the surveyor of the county council by the Council not less than seven clear days before the Council commence to open or break up any such road:
- (2) The plans required by section 31 of the Waterworks Clauses Act 1847 shall be accompanied in the case of any such bridge or the approach thereto by a section and in all other cases by a description of the proposed works and shall except in cases of emergency be delivered to the county council or their surveyor by the Council not less than fourteen days before the Council commence the works to which the plans relate:
- (3) The Council shall not in the construction or maintenance of any works without the previous consent in writing of the county council under the hand of their clerk raise lower or divert any such road nor shall the Council without such consent as aforesaid interfere with the structure of any such bridge or approach:
- (4) All aqueducts lines of pipes or other works to be laid or constructed in along or across or in any way affecting any such road bridge or approach shall be constructed or laid under the superintendence if the same be given and to the reasonable satisfaction of the surveyor of the county council or such other person as the county council may appoint for the purpose (in this section referred to as "the county surveyor") and in such position where practicable in or at the side thereof and at such depth or carried on the outside or below the structure of any such bridge in such manner as he shall by writing under his hand reasonably direct:

- (5) All works shall be executed so as not to stop the traffic and (except so far as in the opinion of the county surveyor is absolutely necessary) so as not to impede or interfere with the traffic over or along any such road bridge or approach and the Council shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length of such roads bridges and approaches than one hundred yards Provided that such consent shall not be unreasonably withheld: A.D. 1914.
- (6) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any mains pipes wires or works of the Council shall have been laid and the Council shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes wires or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the county council shall repay to the Council the expense reasonably incurred by the Council in effecting any such alteration of the position of any such mains pipes wires or works:
- (7) Nothing in this Act contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or the roadway over the same over or near or attached to which any mains pipes or works of the Council are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same or the approaches thereto if this Act had not passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Council for any expense or loss to which the Council may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the

A.D. 1914.

roadway over the same or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Council shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same or the approaches thereto as aforesaid Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same or the approaches thereto as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and that the Council shall reimburse the county council all reasonable expense incurred by the county council in affording such facilities :

(8) The Council shall upon the request and at the cost of the county council fix and maintain hydrants or draw off cocks to any aqueduct or line of pipes laid by the Council in any such road for the purpose of enabling the county council to obtain such quantity of water as they may require in connection with the maintenance and repair or alteration and reconstruction of any such road The distance apart between such hydrants or cocks shall not be less than eight hundred and eighty yards and they shall be placed in such positions in the road as shall be approved by the county council and the county council shall pay for any water taken by them through such hydrants or cocks for the purposes aforesaid at the rate of sixpence per one thousand gallons :

(9) If any difference shall arise between the county council and the Council under this section such difference shall be settled by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party and subject thereto in accordance with the provisions of the Arbitration Act 1889.

50. For the protection of the lord mayor aldermen and citizens of the city of Liverpool (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Council have effect (that is to say):—

A.D. 1914.
For protection of
Liverpool
Corporation.

(1) Work No. 4 by this Act authorised where the same crosses the Vyrnwy lines of pipes laid by the corporation or any sluice drain or other incidental work attached thereto or connected therewith or is within a distance of fifteen feet from the eastern side of the easterly line of pipes as now existing shall be laid and constructed in accordance with plans sections and specifications to be submitted by the Council to and to be reasonably approved in writing by the water engineer of the corporation and in carrying out such laying and construction such precautions shall be taken by the Council as the said water engineer shall reasonably require:

(2) The Council shall bear and pay the cost of repairing and making good any injury to the said lines of pipes or other works of the corporation occasioned by the works of the Council and any reasonable expenses which the corporation may incur in protecting the said lines of pipes and other works and in inspection during the construction or repair of the said works of the Council:

(3) Any difference which shall arise under this section between the Council and the corporation shall failing agreement be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

51. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the company") shall be in force and have effect in regard to any railways of the company in the parish of Rudheath (that is to say):—

For protection of
London
and North
Western
Railway
Company.

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works

A.D. 1914.

upon across over under or in any way affecting the railways of the company or the bridges approaches viaducts stations or any level crossings over the railways of the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and only (except in cases of emergency arising from defects in any of the mains pipes or other works) according to such plans to be submitted to and in such manner as shall be previously approved by him and in all things by and at the expense of the Council who shall also restore and make good the roads over any such bridges level crossings and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council Provided always that if such principal engineer shall not approve or disapprove any plans or the proposed manner of doing any such work within twenty-one days after the same shall have been submitted to him or shall refuse or neglect for the space of seven days after being requested so to do by the Council to superintend any work the Council may proceed with the work without the approval of the plans and manner of doing the work and without the superintendence of the said engineer respectively :

- (2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts or stations or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the company :
- (3) Any dispute or difference which may arise between the company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer

or other fit person to be appointed by the Board of Trade on the application of the company and the Council or either of them and the Arbitration Act 1889 shall apply to the arbitration. A.D. 1914.

52. In constructing Work No. 4 authorised by this Act where the same will cross over the bridge carrying the Tarporley and Northwich main road over the Winsford Branch Railway lands and property of the Cheshire Lines Committee (hereinafter called "the committee") the Council shall be subject to the following conditions:—

For pro-
tection of
Cheshire
Lines Com-
mittee.

- (1) All works relating to the construction by the Council of the proposed aqueduct conduit or line or lines of pipes (Work No. 4) in any way affecting the railway or the works lands or property belonging to the committee shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the committee and according to plans and drawings to be previously submitted by the Council to and reasonably approved by such engineer or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for one month after such plans and drawings shall have been submitted to such engineer he shall have failed to give notice to the Council of his objections thereto he shall be deemed to have approved thereof:
- (2) The Council shall take all possible precautions in the execution and maintenance of their works to prevent any interference with the free uninterrupted and safe user in the ordinary manner and at the ordinary rate of speed of traffic over the said branch railway:
- (3) If in consequence of the execution or failure of such works any injury be done to the railway works or property of the committee or any obstruction or interruption be caused to the traffic over the railway the Council shall make compensation to the committee in respect of such injury obstruction or interruption the amount of such compensation unless agreed upon to be determined by arbitration:

A.D. 1914.

- (4) The Council shall bear and on demand pay to the committee the expense of the employment by the committee during the execution of any work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by the committee for watching and signalling the same with reference to and during the execution of any such work of the Council and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors:
- (5) The Council shall acquire only such an easement over or under the railway of the committee as may be necessary for constructing or maintaining Work No. 4 by this Act authorised and if the said work shall be carried over or under the railway independently of the said bridge but not otherwise the Council shall pay to the committee for any such easement to be acquired by them such a sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845:
- (6) Any dispute or difference which may arise between the Council and the committee with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of the committee or the Council and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

PART III.

STREETS BUILDINGS SEWERS AND DRAINS.

Council
may define
future line
of streets.

53.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may

from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council or by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line. A.D. 1914.

(2) The Council may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Council sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase-money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) If after any such line has been defined and prescribed as aforesaid any person offends against this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.
Application
of purchase
money in
certain cases.

54. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the foregoing provisions of this Part of this Act.

Width of
new streets
in certain
cases.

55. Where in the opinion of the Council a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the district or a continuation of or means of communication with a main approach to the district it shall be lawful for the Council to require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may determine and the Council shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 :

Provided always that the Council may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

All moneys payable by the Council by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Further pro-
visions as to
new streets.

56. When a road or lane within the district is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Council may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force within the district require such owner to

widen such road or lane so as to give a width of not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Council.

A.D. 1914.

The provisions of this section shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by the London and North Western Railway Company as a part of or in connection with their railway under any Act of Parliament nor to any land upon which any such building is erected or is in course of being erected.

57. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

Continuation of existing streets to be deemed new streets.

58.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

No building allowed until street defined.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

59. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other light projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention and removal of projections over streets.

60.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub

Trees or shrubs overhanging streets and footpaths.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance but subject to any appeal under the provisions of this section the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

For preventing soil sand and other débris from being washed into streets.

61.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

(2) If any person shall for one month after notice in writing from the Council fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

Means of escape from buildings in case of fire.

62.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction. A.D. 1914.

(3) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

63. The Council may make byelaws with respect to the following matters viz. :— Byelaws as to materials and construction of buildings.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve :

(4) The testing of drains of new buildings.

64. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section. Area of habitable rooms.

65.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall if practicable provide to the reasonable satisfaction of the Council and until the completion of any such work or operation sufficient water or other closets and urinals for the use of workmen. Sanitary conveniences for workmen engaged on buildings.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Separate
sewers for
surface
water and
sewage may
be required.

66.—(1) The Council may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts (including powers of appeal) shall apply to such sewers accordingly. Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface-water from such separate surface-water sewers.

(3) (A) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water other than from back roofs and paved yards of domestic dwellings shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such

premises in order to keep separate the sewage and surface-water drainage thereof and the Council may if they think fit make all such alterations. A.D. 1914.

67. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council. Council may require enlarged sewer.

68.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners. Council may order houses to be drained by a combined drain.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

69. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner. Amendment of section 19 of Public Health Acts Amendment Act 1890.

70. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew Power to lay drains in private streets.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Council may make communication between drains and sewers.

71. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Reconstruction of drains.

72.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws of the Council relating to the drainage of existing buildings.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice of intention to repair drains.

73.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the medical officer twenty-four hours previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Council authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Improper construction or repair of watercloset or drain.

74. If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction

or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

A.D. 1914.

75. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Wilful
damage to
drains water
closets &c.

76. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as they may from time to time determine.

Street
orderly bins.

77.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 by such other method as the Council shall direct.

Soil pipes
to be
ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discharge and trapping of pipes from slopstones baths and basins.

78.—(1) Every pipe from any slopstone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Council requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Council.

Penalty on occupiers refusing execution of Act.

79. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Saving as to railway companies.

80. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament or belonging to and used and occupied by the Weaver Navigation

Trustees as a part of or in connection with their navigation A.D. 1914.
under any Act of Parliament.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

81. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the district for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets. Cleansing
of milk
vessels.

82.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Information
to be fur-
nished in
case of in-
fectious
disease.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

83.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (1) (A) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Power to
require
names of
laundrymen
to whom
clothes &c.
from in-
fected
houses are
sent.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding five pounds.

Compensation to dairymen.

84. If any dairymen shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage.

Compensation to persons ceasing employment.

85. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Disinfection in case of pulmonary tuberculosis.

86.—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent shed or similar structure used for human habitation) would tend to prevent or check pulmonary tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Council at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(B) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the clerk and

who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon. A.D. 1914.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (A) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of pulmonary tuberculosis to cause such articles books things bedding or clothing to be delivered over to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(B) Such articles books things bedding and clothing shall be disinfected by the Council and brought back and delivered to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

(4) The provisions of this section shall cease to be in force within the district at the expiration of seven years from the date of the passing of this Act unless they shall be continued by an Act of Parliament or by a Provisional Order made by the Local Government Board and confirmed by Parliament which order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

87. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district and any person offending against this enactment or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Prohibition
of blowing
or inflating
carcases.

A.D. 1914.

For regu-
lating manu-
facture and
sale of ice-
cream &c.

88.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity who within the district—

- (A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice-cream or similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises

as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable upon conviction to a penalty not exceeding forty shillings. A.D. 1914.

89. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Removal
of body of
person who
has died of
infectious
disease.

90. For the purposes of section 112 of the Public Health Act 1875 as amended by section 51 of the Public Health Acts Amendment Act 1907 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Amendment
of law as to
offensive
trades.

91.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable galvanised iron or enamelled iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

Regulation
dustbins.

A.D. 1914.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Public notice
to be given
of provisions
of this
Part of Act.

92.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART V.

FINANCIAL.

Power to
borrow.

93.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):

(A) For the purchase of lands and easements for and the construction of the waterworks by this Act authorised to be acquired and constructed the sum of twenty thousand pounds:

(B) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) The Council shall pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) mentioned in this section within forty-five years from the date or dates of borrowing the same:

As to money borrowed for the purpose (B) within five years from the passing of this Act. A.D. 1914.

(3) The Council may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act:

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 Local Government Board.

(4) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purposes (A) hereinbefore mentioned the water revenue and the district fund and the general district rate;

As regards moneys borrowed for the purpose (B) hereinbefore mentioned the district fund and the general district rate; and

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

The provisions of this section shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

94. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Section 234 of Public Health Act not to apply.

95. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. Mode of raising money.

A.D. 1914.

Provisions
as to mort-
gages.

96. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases);

shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Mode of
payment
off of money
borrowed.

97. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them Provided that the Council shall not be bound to pay any instalment or to make the first payment to the sinking fund in respect of moneys borrowed for the purposes (A) mentioned in the section of this Act whereof the marginal note is "Power to borrow" until the expiration of two years from the date of the passing of this Act.

Sinking
fund.

98.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments. A.D. 1914.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appear to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appear to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Power to use one form of mortgage for all purposes.

99.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the schedule to this Act or to the like effect. A.D. 1914.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to
use sinking
fund instead
of borrow-
ing.

100.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were

raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

- (B) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

- (A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

- (C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

101. All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable

Application
of moneys
borrowed.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. — Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Local Government Board determine.

Protection
of lender
from inquiry.

102. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss or non-application of the money lent or of any part thereof.

Power to
reborrow.

103.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid ; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

(A) by instalments or annual payments ; or

(B) by means of a sinking fund ; or

(C) out of moneys derived from the sale of land ; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 39 (Power to reborrow) of the Act of 1885 is hereby repealed but without prejudice to anything done or suffered to be done thereunder. A.D. 1914.

104.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any of the moneys raised by the Council in pursuance of any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Returns to
Local
Government
Board as to
sinking
funds.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Local Government Board may by order direct that

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. — the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(3) Section 40 (Annual return to Local Government Board with respect to sinking funds) of the Act of 1885 is hereby repealed.

Scheme
for fixed
equated
periods.

105.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

106. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan borrowed granted or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

A.D. 1914.
Council not
to regard
trusts.

107.—(1) The Council shall apply all moneys received by them in respect of their water undertaking except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

Application
of water
revenue.

- (First) In payment of the working and establishment expenses and cost of maintenance of the water undertaking ;
- (Secondly) In payment of the interest on moneys borrowed by the Council for the purposes of the water undertaking ;
- (Thirdly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of the water undertaking ;
- (Fourthly) In extending improving and constructing (if the Council think fit) any works for the purposes of the water undertaking ;
- (Fifthly) In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being upon the water undertaking of the Council which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the water

A.D. 1914.

undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of the water undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on improving or extending the water undertaking and paying the current expenses connected therewith.

(2) Section 43 (Application of water revenue of local board) of the Act of 1885 is hereby repealed.

Expenses of
executing
Act.

108. Save as otherwise by this Act expressly provided all expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid out of the district fund or general district rate Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

PART VI.

MISCELLANEOUS.

Use of
swimming
baths and
open bathing
places for
exhibitions
and enter-
tainments.

109. The Council may close to the public and may reserve the exclusive use of any swimming bath or open bathing place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any other entertainment exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing place such sums for the exclusive use of such

baths or place or for admission of persons thereto as they may think fit. A.D. 1914.

110. The Council may during the winter months from the first day of November to the first day of April close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purpose free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same. Use of swimming baths during winter.

111. When any portion of a public park or pleasure ground is set apart by the Council for any purpose under paragraph (B) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and is specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose and they may also make such further charge as they may think fit for the admission of the public thereto respectively while so set apart. Power to charge for portions of pleasure grounds set apart for games.

112. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate. Rates may be amended to accord with new or supplementary valuation list.

113. The Council may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs or blocks of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Council for making and repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the destructor account in the district fund. Power to manufacture slabs &c. from destructor refuse.

114.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their Power to grant gratuities in certain cases.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Power to Council to subscribe to hospitals and other institutions.

115. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Council to subscribe to any hospital infirmary nursing institution or other purpose of a similar character any sum not exceeding in the whole one hundred pounds per annum.

Fire alarms.

116. The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

In executing works for owner Council liable for negligence only.

117. Whenever the Council or the surveyor or other duly authorised officer of the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or other such officer as aforesaid or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

118. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

A.D. 1914.
Evidence
of appoint-
ments autho-
rity &c.

119. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the clerk.

Consent of
Council to be
in writing.

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

As to breach
of conditions
of consent of
Council.

121. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses
may be
declared
private
improvement
expenses.

122.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

Authenti-
cation and
service of
notices &c.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation
of byelaws.

123. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of Part III. of this Act.

As to appeal.

124. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Damages
and charges
to be settled
by justices.

125. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Compensa-
tion how to
be deter-
mined.

126. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Power of
entry and
protection of
officers from
personal
liability.

127. The provisions of section 102 (Power of entry of local authority) section 103 (Penalty for disobedience of order) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend

and apply to the purposes of Parts III. and IV. of this Act as if those purposes had been mentioned in the said sections. A.D. 1914.

128.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

129. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

130. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

131. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

132. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made Informations by whom to be laid.

[Ch. cl.] *Northwich Urban District Council* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914. thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Penalties to be paid over to treasurer.

133. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Judges not disqualified.

134. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for indictments &c.

135. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Summons or warrant may contain several sums.

136. Where the payment of more than one sum by any person is due under this Act or the Act of 1885 any summons or warrant issued for the purposes of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Powers of Act cumulative.

137. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving rights of Weaver Navigation Trustees.

138. Nothing in this Act contained shall be construed to take away alter or prejudice any rights or privileges which the Weaver Navigation Trustees may at the date of the passing of this Act lawfully claim use or exercise by virtue of the several Acts of Parliament relating to their undertaking.

139. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any right of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give). A.D. 1914.
Crown
rights.

140. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act. Expenses of
Act

A.D. 1914. The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

By virtue of the Northwich Urban District Council Act 1914 and of other their powers in that behalf them enabling the Northwich Urban District Council (hereinafter called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [on the _____ day of _____ and the _____ day of _____ in each year] And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1914.

The within-named
consenting the within-mentioned time for repayment of the within-
mentioned principal sum of _____ is hereby extended
to the _____ day of _____ one thousand nine
hundred and _____ [and the interest to be paid thereon on
and from the _____ day of _____ one thousand nine
hundred and _____ is hereby declared to be at the rate of
_____ per centum per annum].

Dated this _____ day of _____ one thousand nine
hundred and _____ .

• FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____]
[of _____]
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter called "the transferee") do hereby transfer to the transferee
his executors administrators and assigns [the within-written security]
[the mortgage number _____ of the revenues of the Northwich
Urban District Council bearing date the _____ day of _____]
and all my right and interest under the same subject to the several
conditions on which I hold the same at the time of the execution
hereof and I the transferee for myself my executors administrators and
assigns do hereby agree to take the said mortgage security subject to
the same conditions.

Dated this _____ day of _____ one thousand nine
hundred and _____ .

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