



CHAPTER lxxii.

An Act to empower the Weardale and Consett Water A.D. 1915.
Company to construct additional works and for other
purposes. [29th July 1915.]

WHEREAS by the Weardale and Shildon District Water- 29 & 30 Vict.
works Act 1866 (hereinafter called "the Act of 1866") c. ccc.
the Weardale and Shildon District Waterworks Company (herein-
after called "the Weardale Company") were incorporated for
the purpose of better supplying with water the Weardale and
Shildon district consisting of the several parishes townships and
places in the county of Durham comprised within the limits
defined by the said Act:

And whereas by the Weardale and Shildon District Water- 38 & 39 Vict.
works Act 1875 and the Weardale and Shildon District Water- c. cxxi.
works Act 1879 (hereinafter referred to as "the Act of 1875" 42 & 43 Vict.
and "the Act of 1879" respectively) the Weardale Company c. cxi.
were empowered to construct additional works their limits of
supply were extended and other powers were conferred upon
them:

And whereas by the Consett Waterworks Act 1860 (herein- 23 & 24 Vict.
after referred to as "the Act of 1860") the Consett Waterworks c. cx.
Company (hereinafter called "the Consett Company") were in-
corporated for the purpose of better supplying with water the
parishes of Ebchester and Lanchester in the county of Durham
being the limits of that Act:

And whereas by the Consett Waterworks Act 1869 the 32 & 33 Vict.
Consett Waterworks Act 1894 and the Consett Waterworks Act c. xxxviii.
1902 (hereinafter referred to as "the Act of 1869" "the Act 57 & 58 Vict.
of 1894" and "the Consett Act of 1902" respectively) the c. clviii.
2 Edw. 7.
c. clxi.

[Ch. lxxii.] *Weardale and Consett Water* [5 & 6 GEO. 5.]
Act, 1915.

A.D. 1915. Consett Company were empowered to construct additional works
their limits of supply were extended and other powers were
conferred upon them:

2 Edw. 7.
c. clxxiv.

And whereas the districts of the Weardale Company and the Consett Company were contiguous and by the Weardale Water Act 1902 (hereinafter referred to as "the Weardale Act of 1902") the Consett Company were dissolved and their undertaking was transferred to and vested in the Weardale Company upon the terms therein expressed and the name of the Weardale Company was changed to the Weardale and Consett Water Company (hereinafter referred to as "the Company"):

And whereas in view of the increasing population and demand for water within the limits of supply of the Company it is expedient that the power to construct certain of the works authorised by the Weardale Act of 1902 which have not been constructed be revived and that the Company be empowered to construct those and other works and to obtain further supplies of water and to maintain the works hereinafter described which they have already constructed:

And whereas by section 63 (New shares or stock to be offered by auction or tender) of the Weardale Act of 1902 it is provided amongst other things that the reserve price to be put upon any shares or stock to be issued under the provisions of that section shall not be less than the nominal amount thereof and it is expedient that such prohibition be repealed:

And whereas it is expedient that the Company be empowered to apply to the purposes of this Act any capital which they are already authorised to raise and that the powers with respect to the creation and issue of redeemable preference shares redeemable preference stock and redeemable debenture stock in this Act contained be conferred upon the Company:

And whereas it is expedient that the rates which the Company are authorised to demand and recover for the supply of water be increased and made uniform throughout their limits of supply and that such further powers be conferred upon the Company and such other provisions made as are in this Act contained:

And whereas plans and sections showing the lines situations and levels of the works in respect of which the powers are by this Act revived and of the works authorised by this Act and

a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and the clerk of the peace for the county of Northumberland and are hereinafter referred to as the deposited plans sections and book of reference: A.D. 1915.

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

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:—

1. This Act may be cited as the *Weardale and Consett Water Act 1915.* Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the provisions of that Act for the purposes of this Act the expressions "the railway" "the work" and "the centre of the railway" shall respectively mean in respect to the tramroad in respect of which the powers are by this Act revived the tramroad and the centre of the tramroad and in respect to the reservoir and other works in respect of which the powers are by this Act revived and to the works by this Act authorised shall mean such reservoir and works and the boundaries thereof;

The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of the waterworks;

The construction of works for the accommodation of lands adjoining the waterworks;

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Mines ;

The breaking up of streets for the purpose of laying pipes ;

The provision for guarding against fouling the water of the undertakers ; and

The recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or to the sheriff ;

Provided that the provisions with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications only in respect of the works hereinafter described as line or lines of pipes (No. 1) (No. 2) (No. 3) (No. 4) and (No. 6) respectively and in respect of any of the works appliances and conveniences which the Company are by this Act authorised to lay down erect and maintain in connection with or subsidiary to the works in this Act described and that in construing those provisions the expression "the limits of the special Act" shall be construed to mean the limits of deviation shown on the deposited plans ; and

The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs.

Interpreta-
tion.

3. Terms to which meanings are assigned in the Acts wholly or partially incorporated with this Act or which have therein special meanings have in this Act unless expressly varied by this Act or unless there be something in the subject or context repugnant to such construction the same respective meanings And

The term "Board of Conservators of the Wear Fishery District" means the Board of Conservators having jurisdiction for the time being under any public Act relating to fisheries over the River Wear or any part thereof ;

The term "mechanical power" includes steam electrical and every other motive power not being animal power ;

The term "limits of supply" means the limits within which the Company are for the time being authorised to supply water.

Revival of
powers to
construct
works.

4. Subject to the provisions of this Act the powers of the Weardale Act of 1902 to make and maintain the works hereinafter described and shown on the deposited plans are hereby

revived and the Company may make and maintain those works in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference relating thereto. A.D. 1915.

The works hereinbefore referred to will be situate wholly in the parish of Stanhope in the rural district of Weardale in the county of Durham and are —

Work No. 1 A reservoir (to be called “the Burnhope Reservoir”) to be formed by means of an embankment or dam across the valley of Burnhope Burn;

Work No. 2 A diversion of the public road leading from Cowhill to the Causeway Road;

Work No. 3 An aqueduct or conduit commencing in the existing aqueduct of the Ecclesiastical Commissioners at the passing of this Act in the occupation of their lessees the Weardale Lead Company Limited in the Burnhope Valley and terminating in the Burnhope Reservoir;

Work No. 4 A tramroad one mile one furlong seven chains and three links in length commencing at or near the embankment or dam of the Burnhope Reservoir and terminating in a field adjoining the Wearhead Station of the North Eastern Railway Company.

5. Subject to the provisions of this Act the Company may in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):— Power to
construct
new works.

Work No. 5 An intake and weir (No. 1) situate in the parish of Stanhope aforesaid to be formed across Burnhope Burn;

Work No. 6 A line or lines of pipes (No. 1) commencing in the said parish of Stanhope in Burnhope Burn at or near the intended intake and weir (No. 1) and terminating in the parish of Tow Law in the urban district of Tow Law in the break pressure tank next hereinafter described;

Work No. 7 A break pressure tank situate in the said parish of Tow Law in the enclosure numbered 1 on the Ordnance map scale $\frac{1}{2500}$ (second edition 1897) of that parish;

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—

Work No. 8 A line or lines of pipes (No. 2) commencing in the said parish of Tow Law in the break pressure tank lastly described and terminating in the parish of Lanchester in the rural district of Lanchester in the service tank Work (No. 15) hereinafter described;

Work No. 9 A line or lines of pipes (No. 3) commencing in the said parish of Lanchester by a junction with the intended line or lines of pipes (No. 2) near Square House and terminating in the parish of Esh in the rural district of Lanchester by a junction with the existing pipes of the Company at Hill Top;

Work No. 10 An intake and weir (No. 2) situate in the said parish of Stanhope to be formed across Bollihope Burn and a pumping station connected therewith and adjacent thereto;

Work No. 11 A line or lines of pipes (No. 4) commencing in the said parish of Stanhope in the pumping station lastly described and terminating in the parish of Wolsingham in the said rural district of Weardale by a junction with the intended line or lines of pipes (No. 1) near the eastern boundary of Cocked Hat Plantation;

Work No. 12 An intake and weir (No. 3) situate in the said parish of Wolsingham to be formed across Thornhope Beck;

Work No. 13 A line or lines of pipes (No. 5) situate in the said parish of Wolsingham commencing in Thornhope Beck at or near the intended intake and weir (No. 3) and terminating by a junction with the intended line or lines of pipes (No. 1) at the termination of the line or lines of pipes (No. 4);

Work No. 14 A line or lines of pipes (No. 6) situate in the said parish of Wolsingham commencing by a junction with the line or lines of pipes (No. 1) in Leazes Lane near the bridge over Thornhope Beck and terminating at the existing filter beds of the Tunstall Reservoir;

Work No. 15 A service tank situate in the said parish of Lanchester in the enclosure numbered 215 on the 2500 Ordnance map (second edition 1896) of that parish.

The said works will be situate wholly in the county of Durham.

6. The construction by the Company of the existing tanks next hereinafter described is hereby sanctioned and confirmed and the Company may from time to time maintain renew reconstruct enlarge or discontinue the same and may retain hold and use the same and any interest in the lands in this section described and already acquired by the Company for the purposes of their undertaking and of the said works The said tanks are situate in the county of Durham and are—

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Confirmation
&c. of exist-
ing works.

Work No. 16 A service tank known as Wheatley Reservoir situate in the said parish of Lanchester in the enclosure numbered 214 on the said Ordnance map of that parish;

Work No. 17 A service tank known as Wilks Hill Reservoir situate in the said parish of Lanchester in the enclosure numbered 1387 on the $\frac{1}{2500}$ Ordnance map (second edition 1896) of that parish.

7. The Company may from time to time upon any of the lands delineated on the deposited plans and described in the deposited book of reference make lay down erect and maintain all such cuts channels adits conduits catchwaters culverts mains pipes tunnels drains sluices bye-washes weirs overflows gauges standpipes filter-beds tanks banks walls embankments piers bridges roads ways approaches wells pumps engines machinery tramroads sidings rails junctions buildings telegraphs telephones posts wires conductors apparatus and other works appliances and conveniences as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them :

Power to
make sub-
sidiary
works.

Provided that any telegraphs telephones posts wires conductors or apparatus made and maintained under the provisions of this Act shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster - General by the Telegraph Acts 1863 to 1913.

8. In the construction of the works in respect of which the powers are by this Act revived and in the construction of the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are

Limits of
deviation.

A.D. 1915. — shown the boundaries of such road (including in that expression any roadside waste) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided as follows (that is to say):—

No embankment or dam for the reservoir shall be constructed of a greater height above the general surface of the ground than that shown on the deposited sections in respect thereof and three feet in addition;

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

In constructing the tramroad the Company shall not deviate vertically more than ten feet upwards or ten feet downwards;

In carrying the tramroad across a public carriage road the same shall be laid on the level of the road.

Power to
take lands.

9. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may stop up and discontinue such footpaths as are shown on the deposited plans as intended to be stopped up or as are included within the limits of the lands to be compulsorily acquired and which shall be acquired by the Company for the purposes of the works in respect of which the powers are by this Act revived or of filter beds in connection with the Burnhope Reservoir:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Limiting
quantity of
certain lands
to be taken.

10. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not under the powers of this Act purchase or acquire any greater quantity of land forming part of Burnhope Moor in the parish of Stanhope aforesaid than forty-three acres and they shall not purchase or acquire any lands forming part of Stanhope Common in the same parish or of Cornsay Common or of Low Fell in the

parish of Cornsay in the rural district of Lanchester aforesaid but they may purchase and take such easements as they may require for the purpose of constructing maintaining and using the lines of pipes (No. 1) and (No. 2) by this Act authorised through the said lands. A.D. 1915.

11. The Company may in lieu of acquiring any lands for the purpose of the tramroad in respect of which the powers are by this Act revived acquire such easements only in such lands as they may require for such purpose 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: Power to take easements for tramroad.

Provided that within two years after the completion of the Burnhope Reservoir the Company shall discontinue to use the said tramroad and remove the rails and materials of so much thereof as shall be situate upon the lands over which the Company shall have acquired easements under the provisions of this section and all rights of the Company over such lands shall cease.

12.—(1) The Company may in lieu of acquiring any lands for the purposes of the works by this Act authorised where the same are intended to be constructed or laid 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. Company may acquire easements only in certain other cases.

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

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

A.D. 1915. 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.

Costs of arbitration in certain cases.

13. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company 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 Company has 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:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company 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:

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 of the effect of this section.

Power to take waters.

14. Subject to the provisions of this Act the Company may collect impound abstract take use divert and appropriate for the purposes of their undertaking the waters of the several streams and watercourses known as Langtae Burn Burnhope Burn the said existing aqueduct of the Ecclesiastical Commissioners Bollihope Burn and Thornhope Beck and of the several feeders or tributaries thereof respectively and all such springs streams and waters as will or may be intercepted by the works in respect

of which the powers are by this Act revived or the works by this Act authorised: A.D. 1915.

Provided that the Company shall by means of Work No. 10 and Work No. 12 by this Act authorised take use divert and appropriate for the purposes aforesaid such waters only as may be flowing down Bollihope Burn and Thornhope Beck in excess of the quantity which shall represent a flow at the rate of one hundred thousand gallons and fifty thousand gallons respectively per day of twenty-four hours:

Provided also that from and after the thirty-first day of December one thousand nine hundred and twenty or the completion of the Works Nos. 5 6 7 and 8 by this Act authorised whichever shall first happen the Company shall cease to take or appropriate any of the waters of Bollihope Burn and Thornhope Beck.

15. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament Provided that the Company may intercept and use any waters which may escape from any of their authorised works. Limiting powers of Company to abstract water.

16.—(1) Until the completion and filling of the Burnhope Reservoir or the date by this Act fixed for the completion thereof whichever shall first happen the Company may by means of the intake and weir (No. 1) by this Act authorised take use divert and appropriate for the purposes of their undertaking any waters flowing down Burnhope Burn in excess of such a quantity of water as when added to the quantity of water flowing or allowed to flow along the said existing aqueduct of the Ecclesiastical Commissioners past the point of commencement of Work No. 3 in respect of which the powers are by this Act revived will make a total flow of water in the said burn and aqueduct at the rate of one million eight hundred and thirty-seven thousand six hundred and eighty gallons per day of twenty-four hours The water flowing down Burnhope Burn shall be measured at any point situate within three hundred yards below the foot of the embankment or dam as shown on the deposited plans. Power to take Burnhope water until completion and filling of reservoir.

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(2) During the first filling of the Burnhope Reservoir the Company may take any quantity of water they may think fit therefrom provided that they discharge into Burnhope Burn at a point situate within three hundred yards of the foot of the embankment or dam as shown on the deposited plans or into the said existing aqueduct of the Ecclesiastical Commissioners or partly into the one and partly into the other and in a continuous stream during the twenty-four hours of every day such a quantity of water as when added to the quantity of water flowing or allowed to flow along the said existing aqueduct of the Ecclesiastical Commissioners past the point of commencement of Work No. 3 aforesaid will make a quantity of one million eight hundred and thirty-seven thousand six hundred and eighty gallons so long as there shall remain in the reservoir sufficient water to enable them to comply with the provisions of this subsection but whenever and so long as there shall not be sufficient water in the reservoir to enable them to comply with such provisions they shall cease to take any water therefrom for the purposes of water supply.

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

As to compensation water.

17. As full compensation to all persons whose lands are situate below the point at which the water hereinafter defined as compensation water shall be discharged for the waters of Langtae Burn Burnhope Burn and the said existing aqueduct of the Ecclesiastical Commissioners and of the several feeders or tributaries thereof respectively to be taken and used under the powers of this Act and subject to the provisions of the last preceding section of this Act before the Company shall be entitled to use the same for the purposes of supply the Company shall commence to discharge into Burnhope Burn within three hundred yards of the foot of the embankment or dam of the Burnhope Reservoir such a quantity of water as when added to the quantity of water flowing or allowed to flow along the said existing aqueduct of the Ecclesiastical Commissioners past the point of commencement of Work No. 3 in respect of which the powers are by this Act revived will make a total quantity of one million eight hundred and thirty-seven thousand six hundred and eighty gallons of water daily (hereinafter referred

to as "compensation water") and shall thereafter continue to discharge the same except that the Company shall from time to time if and when they see fit be entitled to discharge or divert into the said existing aqueduct of the Ecclesiastical Commissioners any portion of such compensation water not exceeding (with the quantity of water flowing or allowed to flow along such aqueduct) eight hundred thousand gallons daily in substitution for a similar quantity which would otherwise be discharged into Burnhope Burn.

A.D. 1915.

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

Provision for partial discontinuance of compensation water into Wascrow or Waskerley Beck.

19. The compensation water shall be discharged uniformly and continuously during the whole of the twenty-four hours of every day. Provided that for the purposes of this section the discharge of the several quantities of compensation or other water under subsection (2) of section 16 and section 17 of this Act shall be deemed to be continuous whether the same be from time to time discharged into Burnhope Burn or into the said existing aqueduct of the Ecclesiastical Commissioners or partly into the one and partly into the other.

As to discharge of compensation water.

20.—(1) The Company shall construct and maintain in Burnhope Burn within three hundred yards of the foot of the embankment or dam of the Burnhope Reservoir as shown on the deposited plans and in the existing aqueduct of the

Maintenance and inspection of gauges.

A.D. 1915. Ecclesiastical Commissioners within three hundred yards of the point of commencement of Work No. 3 in respect of which the powers are by this Act revived as shown on the deposited plans gauges with automatic recording instruments for measuring the quantities of water flowing or discharged or allowed to flow into or down Burnhope Burn and the said aqueduct respectively.

(2) The Company shall construct and while and so long as they shall take water from Bollihope Burn or Thornhope Beck maintain in such burn and beck respectively as near as may be below the intakes and weirs Work No. 10 and Work No. 12 by this Act authorised suitable gauges for measuring the quantities of water flowing or allowed to flow down those respective streams.

(3) The Company shall within twelve months after the passing of this Act erect an automatic recording instrument in connection with the existing gauge below the outlet of the Tunstall Reservoir.

(4) The said gauges shall be open at all times to the inspection and examination of any officer of the Board of Conservators of the Wear Fishery District duly authorised and of the several persons interested in the water flowing through or over the same respectively without prejudice to the proprietary rights of the Company in the said reservoir and works connected therewith.

(5) In case of any neglect on the part of the Company to provide or maintain any of the said gauges in a state of efficiency and in case of any other neglect by them by or in consequence of which the quantities of water which the Company are by this Act required to discharge or allow to flow down Burnhope Burn Bollihope Burn or Thornhope Beck shall not so flow the Company shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such occupiers or any of them.

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

21. Subject to the provisions of this Act the following provisions of the Weardale Act of 1902 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired and to the works in respect of which the powers are by this Act revived and to the works and undertaking by this Act authorised respectively (that is to say):—

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 Certain provisions of Weardale Act of 1902 as to works to apply.

Section 7 (Company may pay expense of providing telegraphic facilities);

Section 12 (Power to take easements &c. by agreement);

Section 21 (Compensation for injury done);

Section 22 (Penalty);

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

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

Section 25 (Power to take additional lands by agreement);

Section 26 (Power to hold lands for protection of works);

Section 27 (Agreements with landowners as to drainage);

Section 28 (Provisions as to fouling of water);

Section 33 (On completion of road diversions sites of existing roads to vest in Company);

Section 34 (Maintenance of road diversions);

Section 35 (Gauge of tramroads);

Section 36 (Tramroads to be used only for purposes of Company);

Section 37 (As to crossing public roads);

Section 38 (Agreements between Company and road authorities);

Section 39 (Motive power);

Section 40 (For protection of Durham County Council):

Except that subsection (4) of section 24 shall be read and have effect in its application to Work No. 1 in respect of which the powers are by this Act revived as if the sum of eighty pounds had been mentioned in that subsection instead of the sum of sixty pounds.

22. Section 41 (For protection of North Eastern Railway Company) and section 42 (For protection of Ecclesiastical

Repeal of sections 41 and 42 of Weardale Act of 1902.

A.D. 1915. Commissioners and their lessees) of the Weardale Act of 1902
are hereby repealed.

For protec-
tion of North
Eastern
Railway
Company.

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

All mains and pipes laid or proposed to be laid by the Company under the powers of this Act over under or along any railway of the railway company shall if they are carried over the railway be so carried that the bottom of any such main or pipe or the girder carrying the same shall in no case be nearer the top of the rails of the railway than fifteen feet six inches and if they are carried under the railway shall be carried in a culvert or culverts of sufficient dimensions to admit of such mains or pipes being relaid or repaired without interference with the railway the top of any such culvert in no case being nearer the bottom of the rails of the railway than four feet and in laying and maintaining any mains pipes culverts or other works upon along or across or under any work or property of the railway company the Company shall execute the work under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the railway company all loss damages and expenses which the railway company shall sustain or be put to by or in consequence of the laying maintenance or user of the said mains pipes culverts and other works or by or in consequence of the bursting of or any other accident to any main pipe or reservoir of the Company or otherwise howsoever If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered the Company shall on receiving notice in writing from the railway company so to do alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts in their altered position

If the railway company give to the Company notice that they themselves desire to construct so much of the works or to carry out so much of the alterations of such mains pipes or culverts as will affect any railway or work belonging to them the railway company may themselves execute such works and alterations and recover the reasonable cost thereof from the Company. The Company shall not purchase or take any property of the railway company but they may purchase and take such right or easement or privilege over under or upon any lands or works of the railway company delineated on the deposited plans as shall be necessary for the purpose of laying and maintaining the mains pipes culverts and other works by this Act authorised and the Company shall not either temporarily or permanently enter upon use or interfere with any railway or property of the railway company save only as far as may be necessary for the purpose of constructing and maintaining such mains pipes culverts and other works in accordance with the provisions of this Act. Provided always that nothing in this Act contained shall enable the Company to interfere with any station or other building or with any water pipe well or other works of the railway company or with any street or road belonging to or repairable by the railway company or with any street or road forming approaches to their stations and depôts. In case of any difference between the Company and the railway company or their respective engineers touching the meaning or effect of this section or in relation to anything done or to be done under its provisions the same shall be determined by a single arbitrator to be appointed in case of difference by the Board of Trade.

24. For the protection of the Ecclesiastical Commissioners (in this section called "the commissioners") the following provisions shall notwithstanding any other provision of this Act apply and have effect unless otherwise agreed in writing between the commissioners and the Company under their respective common seals (that is to say):—

- (1) In this section the expression "the commissioners" shall include their successors lessees and assigns the

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

- (2) The Company shall at their own cost and expense and before taking or abstracting water from Burnhope Burn or the Burnhope aqueduct or in any manner interfering with the flow of water into or along the Burnhope aqueduct construct and thereafter maintain to the reasonable satisfaction of the commissioners on land of the commissioners at or near and upstream from the point A a gauge with automatic recording instrument approved by the commissioners whose approval shall not be unreasonably withheld for measuring the quantity of water flowing or allowed or caused to flow along the commissioners' aqueduct to and past the point A The Company shall take

proper records of the readings of the said gauge and such records and gauge shall at all times be open to inspection testing and examination by any engineer officer or agent of the commissioners:

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

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the Company may execute such works and thereafter repair renew and maintain the same Provided that the land of the commissioners to be taken for the said tank or reservoir and other works and the said gauge shall not exceed one acre in extent:

- (6) The commissioners shall grant to the Company free of charge all such easements and facilities as the Company may reasonably require over the lands of the commissioners for the alteration construction erection repair renewal and maintenance of the works aforesaid and also for the laying down repair renewal and maintenance of a line or lines of pipes between the boundary of the land purchased by the Company from the commissioners for the purposes of this Act and the point A for the exclusive purpose of conveying the water which the Company may require to discharge into the commissioners' aqueduct in accordance with the provisions of this section:
- (7) If and whenever the Company fail to discharge the daily allowance at or permit or cause the same to flow past the point A in accordance with the terms of this section they shall be liable to a penalty of twenty-five pounds for each day on which the daily allowance is not so discharged or permitted or caused to flow and any such penalty may from time to time be recovered by the commissioners in a summary manner or by action at law at the option of the commissioners:

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

- (8) If the commissioners or their duly authorised agent shall at any time or from time to time give notice in

writing to the Company that the daily allowance or any part thereof may be suspended for any period or periods to the extent respectively specified in such notice the Company may suspend the daily allowance or such part thereof for the period or periods so specified (but not further or otherwise) and so from time to time as often as any such notice shall be given: A.D. 1915.

- (9) Until the daily allowance shall have been commenced as aforesaid the commissioners shall be entitled to exercise in respect of the Burnhope drainage area and all water therein or derived therefrom all such rights of user or otherwise as they would have been entitled to exercise if this Act had not been passed. As soon as the daily allowance shall have been commenced by the Company all such rights of the commissioners in respect of the waters of the Burnhope drainage area shall except as herein reserved to the commissioners cease and the commissioners shall at all times be entitled to exercise in respect of the daily allowance for or in connection with the working getting and dressing of all or any of their mines and minerals or for hydraulic or other motive power in relation thereto the same rights of user or otherwise as they are now entitled to exercise in respect of any water flowing along the Burnhope aqueduct or as they would have been entitled to exercise in respect of any water which but for the passing of this Act they would have been entitled to collect impound or take within the Burnhope drainage area:
- (10) The commissioners may at all times work get and dress all mines and minerals within or under the Burnhope drainage area as freely as they would have been entitled to do if this Act had not been passed and for these purposes and for hydraulic and other motive power in relation thereto they may at all times take and use all water collected by or flowing into the Burnhope aqueduct and may enlarge the Burnhope aqueduct and may construct and maintain within or upon the Burnhope drainage area such storage ponds and other works as may by the

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

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

- (12) All existing rights of the commissioners of shooting and sporting on or over the Burnhope drainage area and all the rights of the commissioners to use the waters of the Burnhope drainage area for agricultural or other purposes in connection with their lands and property in such drainage area and otherwise to use such lands and property for all purposes are hereby expressly reserved to them and the Company shall from time to time pay to the commissioners on demand the reasonable costs of the employment by them of a sufficient number of additional keepers or watchers for the protection of the game and for the prevention of persons trespassing upon lands of the commissioners adjoining the works of the Company during the construction or any extraordinary repair of the same: A.D. 1915.
- (13) All mines and minerals belonging to the commissioners in and under any lands purchased by the Company from the commissioners for the purposes of this Act shall be expressly named in and conveyed by the conveyance of such lands to the Company but the Company shall not work mine or get any of the mines or minerals so conveyed except so far as may be necessary for the construction repair or maintenance of the works by this Act authorised and any lead ore recovered obtained or gotten by the Company in the execution of any of such works on the lands so purchased shall belong to the commissioners:
- (14) Notwithstanding the provisions of this Act and of the Waterworks Clauses Act 1847 the commissioners may work any mines and minerals within or under any land adjoining the lands purchased by the Company from the commissioners for the purposes of this Act whether within or without the distance of forty yards from the boundary of such lands and shall not be under any obligation to leave any lateral support for the lands so purchased or to pay any compensation for damage that may be occasioned thereby but the commissioners shall inform the Company when and so soon as they shall commence to work the

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mines and minerals within the said distance of forty yards:

- (15) The Company shall construct on the land acquired by them from the commissioners for the purposes of this Act a metalled road not less than twelve feet wide commencing in the existing public road or the intended diversion thereof near the farmstead known as Pryhill and terminating by a junction with the existing occupation road on the southern side of the Burnhope Burn and the western side of Langtae Burn and shall for ever maintain in a reasonable state of repair the same road and so much of the said existing occupation road as shall lie between the termination of the new metalled road and the western boundary of the land acquired by the Company as aforesaid and the commissioners and all persons authorised by them and any other person having a right of way over the existing occupation road on the northern bank of Burnhope Burn shall have rights of way in common with the Company over such road in like manner to all intents and purposes as if the same were a public road Provided that no agreement between the commissioners and the Company varying the provisions of this subsection shall derogate from the rights of way of any person not a party to such agreement:
- (16) Any difference arising between the commissioners and the Company with respect to the construction of this section or with respect to the execution or failure to execute or carry into effect any of the provisions of this section shall be referred to and settled by arbitration under the provisions of the Arbitration Act 1889 or any statutory modification thereof.

Accommodation for workmen employed on construction of works.

25.—(1) The Company shall erect fit up and maintain or provide—

- (A) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the works in respect of which the powers are by this Act revived and the works by this Act authorised;

(B) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases ;

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

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

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

(4) The Company shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

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

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variation of the requirements of the county council as they may think fit.

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

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

(8) The Company shall pay to the Local Government Board any expenses incurred by that Board under this section including a sum not exceeding three guineas a day for the services of any inspector in connection with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

For protection of Durham County Council.

26.—(1) Notwithstanding anything in this Act contained the line or lines of pipes Work No. 6 by this Act authorised where intended to be constructed through the Holywood Hall Estate and school playgrounds of the Durham County Council shall be laid underground and so that the top of the pipes shall throughout be not less than three feet below the present surface of the ground For the purpose of laying such line or lines of pipes the county council shall grant and the Company shall acquire an easement only and the Company shall not be entitled to purchase or acquire compulsorily the land in through or under which such line or lines of pipes are to be laid and the provisions of subsections (1) and (2) of the section of this Act of which the marginal note is “Company may acquire easements only in certain other cases” shall apply to such easement.

(2) The word “works” in subsection (7) of section 40 (For protection of Durham County Council) of the Weardale Act of 1902 shall include the reinstatement of any main road or county or main road bridge or any approach thereto which shall be broken up by the Company under the powers of this Act.

(3) Nothing in this Act contained shall prevent the Durham County Council making a claim against the Company under the Highways Acts for damage for extraordinary traffic in respect of any road repairable by the council. A.D. 1915.

27.—(1) The Company shall at any time after they commence to supply water from the intake and weir Work No. 5 by this Act authorised supply to the rural district council of Weardale (in this section referred to as “the council”) for the supply of the parish of Stanhope or any part thereof such daily quantity of water and for such period or periods as the council shall from time to time require not being less than five thousand gallons per day and not exceeding one hundred thousand gallons per day and such supply shall be delivered at such point or points not being more than five in number on the line of pipes Work No. 6 by this Act authorised as may be agreed between the Company and the council or as failing agreement may be determined by arbitration under this section. Supply in bulk to Weardale Rural District Council.

(2) The price to be paid by the council to the Company for any water so supplied shall failing agreement be determined by arbitration under this section and in determining such price the arbitrator shall take into consideration in addition to other circumstances and conditions the fact that the water supplied by the Company is obtained from the district of the council and shall give due effect thereto.

(3) Any supply under this section shall be taken in a uniform and continuous flow throughout every day of twenty-four hours and shall be measured by a meter or meters of such description as may be agreed upon between the Company and the council or as may in default of agreement be determined by arbitration and each such meter shall be placed in a suitable chamber as near as practicable to the said line of pipes and each such meter and chamber and all pipes valves and other apparatus connecting the meter with the said line of pipes shall be provided fixed and maintained and whenever necessary repaired or renewed by the Company who shall at all times keep the said meters in proper condition and working order. The council shall pay to the Company the reasonable cost of providing and fixing the said meters including the said chambers and any subsidiary apparatus and shall also repay to the Company the reasonable cost of maintaining repairing and renewing

A.D. 1915. the said meters chambers and apparatus The council shall at
— all reasonable times be at liberty after giving twenty-four hours' notice to the Company to inspect such meters and the works appertaining thereto and to test the accuracy thereof.

(4) The Company shall not be liable for any damage loss or expenses caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Company or during any time when the works of the Company shall be undergoing repairs or cleansing or (prior to the completion and filling of the Burnhope Reservoir) by reason of the provisions of the section of this Act of which the marginal note is "Power to take Burnhope water until completion and filling of reservoir" but no payment in respect of water under this section shall be demanded by the Company during the period whilst such supply is suspended.

(5) 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 or such other days as may be agreed upon between the Company and the council.

(6) Any matter by this section referred to arbitration and any difference between the Company and the council under this section shall unless otherwise in this section provided be settled by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers upon the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of
Weardale
Rural Dis-
trict Council.

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

(1) Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not stop up divert or otherwise interfere with the foot-paths crossing the lands numbered on the deposited plans 112 113 114 118 120 148 157 and 158 in the said parish of Stanhope nor the cart track leading from Pryhill to Hollinhill:

- (2) The provisions of subsections (6) (7) (8) (9) and (10) of section 40 (For protection of Durham County Council) of the Weardale Act of 1902 shall extend and apply to the execution of the works in respect of which the powers are by this Act revived and of the works by this Act authorised and the exercise of the powers of this Act so far as they affect any highways and bridges repairable by or belonging to the council (other than any main road or county or main road bridge or any approach thereto) as if the same were re-enacted in this Act and as if the council and their surveyor were referred to therein instead of the county council of the county of Durham and their surveyor and as if the said highways and bridges were referred to therein instead of any main road or county or main road bridge : A.D. 1915.
- (3) Notwithstanding anything in this Act contained the powers conferred by section 26 of the Act of 1879 and by the section of this Act of which the marginal note is "Purchase of rights and interests in compensation waters" shall not after the thirty-first day of December one thousand nine hundred and twenty or the completion of the Works Nos. 5 6 7 and 8 by this Act authorised whichever shall first happen be exercised in respect of any compensation or other waters which the Company are required to discharge from Tunstall Reservoir or Burnhope Reservoir except with the previous consent in writing of the council but such consent shall not be unreasonably withheld nor be the subject of any monetary payment by the Company :
- (4) Any difference arising between the council and the Company under the foregoing provisions of this section shall be referred to and determined by an engineer to be agreed upon between the council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :

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(5) Nothing in this Act contained shall prevent the council making a claim against the Company under the Highways Acts for damage for extraordinary traffic in respect of any road (other than any main road or county or main road bridge or any approach thereto) repairable by the council.

Period for compulsory purchase of lands.

29. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Provision for construction of Burnhope Reservoir.

30.—(1) The Company shall within five years from the passing of this Act commence the construction of the Reservoir Work No. 1 the powers in respect of which are by this Act revived unless they shall have previously obtained from the Local Government Board after the Board have held a public inquiry a certificate that such commencement is for any reason impracticable or has become unnecessary and from and after the commencement of such construction the Company shall proceed to complete the reservoir with all reasonable despatch.

(2) The Local Government Board may direct any inquiry under this section to be held by one of their inspectors and such inspector shall for the purposes thereof have all such powers as the inspectors of the Board have for the purposes of inquiries directed by the Board under the Public Health Act 1875.

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

Period for completion of works.

31. If the works in respect of which the powers are by this Act revived or if the waterworks by this Act authorised respectively are not completed as regards Works No. 1 No. 2 No. 3 No. 4 No. 9 and No. 15 within fifteen years from the passing of this Act and as regards the other said works within five years from the passing of this Act then on the expiration of those respective periods the powers by this Act revived or granted for the making of such respective works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing

in this Act shall restrict the Company from extending enlarging altering reconstructing or removing from time to time as occasion may require any of their works mains or pipes other than the reservoir Work No. 1 in respect of which the powers are by this Act revived. A.D. 1915.

32.—(1) The water supplied by the Company need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Company in every case to determine the particular service reservoir or tank from which the supply is to be taken nor need the water be constantly laid on under pressure to any dwelling-house erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by the Company to such dwelling-house nor in any case until the works described in the section of this Act whereof the marginal note is “Power to construct new works” are constructed or the thirty-first day of December one thousand nine hundred and twenty whichever shall first happen. Limit of pressure.

(2) As from the date when the new works referred to in subsection (1) of this section shall have been completed or the thirty-first day of December one thousand nine hundred and twenty whichever shall first happen the following sections of the following Acts are hereby repealed (that is to say):—

Of the Act of 1860—

Section 35 (Limiting pressure of supply of water);

Of the Act of 1866—

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

Of the Act of 1869—

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

Of the Act of 1894—

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

33.—(1) All water supplied by the Company for domestic purposes shall be properly and efficiently filtered. As to filtration of water.

(2) If any difference shall arise between the Company on the one hand and the local authorities within the limits of

A.D. 1915. supply or any one or more of them on the other hand as to whether such filtration is proper and efficient such difference shall be settled by an arbitrator to be appointed (unless otherwise agreed on) by the Local Government Board on the application of either party.

Purchase of rights and interests in compensation waters.

34. The Company may from time to time enter into agreements with the Board of Conservators of the Wear Fishery District and with the owners lessees or occupiers of or other persons interested in any mills works or lands entitled to or affected by the compensation and other waters which the Company are by the Act of 1866 the Act of 1875 the Act of 1869 the Act of 1894 and this Act required to discharge or return from or pass by any of their reservoirs or other works for the purchase of the whole or any portion of the rights and interests of such Board and such owners lessees and occupiers and other persons in such compensation and other waters or any of them or any portion thereof for such remuneration and on such terms and conditions and for such periods as may be agreed on.

Obligation as to discharge of compensation water to cease on purchase.

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

Alteration of rates for a supply for domestic purposes.

36. From and after the quarter day which shall next happen after the Company have obtained from the Board of Trade a certificate that they have expended not less than one hundred and twenty thousand pounds on the Works Nos. 5 to 15 inclusive by this Act authorised and the necessary lands therefor and for the works in respect of which the powers are by this Act revived and the costs of this Act or some of such purposes the Company shall be entitled to charge for a supply of water for domestic purposes rates not exceeding the rates hereinafter specified in lieu of the rates which they are at present authorised to charge (that is to say):—

Where the rateable value of the house or part of the house supplied does not exceed seven pounds the sum of twelve shillings per annum; A.D. 1915.

Where such rateable value exceeds seven pounds at the rate of ten per centum per annum of such rateable value.

The rateable value of any such house or part of a house shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the 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.

In addition to the foregoing rates the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons and for every bath having an emptying aperture and capable of containing more than twenty gallons and not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every such bath capable of containing more than fifty gallons such sum as the Company 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.

Provided that until the quarter day which shall next happen after the Company have obtained from the Board of Trade a certificate that they have expended not less than two hundred thousand pounds on the construction of the reservoir Work No. 1 in respect of which the powers are by this Act revived or on works or matters incidental thereto the Company shall allow a rebate of ten per centum from the rates hereinbefore specified and provided further that from and after the last-mentioned quarter day and until the quarter day which shall next happen after the Company have obtained from the Board of Trade a certificate that they have completed the reservoir

A.D. 1915. — aforesaid the Company shall allow a rebate of five per centum from the rates hereinbefore specified.

The recited Acts shall be read and have effect as if the rates by this section authorised were the rates which the Company are thereby entitled to charge for water supplied by them for domestic purposes.

Limitation of domestic purposes.

37. A supply of water for domestic purposes shall not include a supply of water for washing motor cars by means of a hose pipe or jet or any of the supplies mentioned in section 12 of the Waterworks Clauses Act 1863.

Supply by measure.

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

Supply to houses partly used for trade &c.

39. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Price of supply by measure.

40. The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons.

Company to supply water for public purposes on demand.

41. The Company shall on demand in writing by any local authority within the limits of supply afford to that authority such a supply of water for any sanitary or public purpose as may be reasonably required at a price not exceeding one shilling per thousand gallons. Provided that the Company shall not be bound to afford such supply until after the date upon which they commence to take water from the Burnhope Burn and that nothing in this section shall oblige the Company to lay down any mains. Provided also that with regard to each supply afforded by the Company under this section there shall be paid by the local authority to the Company a minimum sum of one

pound per annum in addition to a reasonable rent for the meter. A.D. 1915.

42. The following sections of the following Acts (that is to say):— Extending certain provisions of existing Acts.

Of the Act of 1860—

Section 59 (As to supply of water to houses connected with manufactories);

Of the Act of 1894—

Section 31 (Company's officers may enter buildings to inspect meters &c.);

Of the Weardale Act of 1902—

Section 44 (Rates payable by owners of small houses);

Section 45 (As to supply of water to groups of dwelling-houses);

shall extend and apply throughout the limits of supply.

43. The provisions of the sections of this Act of which the marginal notes are "Limitation of domestic purposes" "Supply by measure" "Supply to houses partly used for trade &c." "Price of supply by measure" and "Extending certain provisions of existing Acts" shall not come into force until the quarter day which shall next happen after the Company shall have obtained from the Board of Trade a certificate that they have expended not less than one hundred and twenty thousand pounds on the purposes or objects of this Act including the costs of this Act as from which quarter day the following provisions of the following Acts are hereby repealed (that is to say):— Commencement of provisions of this Act and repeal of existing provisions.

Of the Act of 1860—

Section 46 (What shall be deemed domestic purposes);

Section 49 (Water supplied by agreement);

Section 58 (Scale for supply by meter);

Of the Act of 1866—

Section 38 (Water for other than domestic purposes).

44. The Company 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. Company not bound to supply several houses by one pipe.

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Cisterns to
be provided
for high level
supplies.

45. The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of forty-eight hours and the Company shall not be required to supply any such dwelling-house until the same is provided with a cistern in conformity with the requirements of this section.

Notice of
discontinu-
ance.

46. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect 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 Company or be given by the consumer personally at the office of the Company.

Power to
remove
meters and
fittings.

47. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of their manager or some other officer to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and six in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Notice to
Company of
connecting
or discon-
necting
meters.

48. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company 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 any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

49. 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 fitting belonging to the Company 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 Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained:

A.D. 1915.
Injuring
meters &c.

And 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 fitting belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may 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 or instrument 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 Company 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 for abstracting consuming or using water of the Company when such pipe meter instrument or fitting is or are under the custody or control of the consumer shall be primâ 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 fitting.

50. Where water is supplied by meter the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any charge for water is made and sought to be recovered by the Company Provided always that if the Company and the person to whom the water supplied differ as to the quantity consumed such difference shall be determined on the

Register of
meters to be
evidence.

A.D. 1915. application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Power to lay mains in streets outside for purposes of supply within water limits.

51. The Company shall in so much of any street or road outside the limits of supply as they shall require to break up for the purposes of laying pipes for supplying water within the limits of supply or from one part to any other part of such limits have and be entitled to exercise all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of the said streets or roads as aforesaid as if the same were within the limits of supply.

Power to lay pipes in private streets.

52. The Company 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 recited Acts Provided that the local authority of the district within which any such street is situate shall be deemed in addition to any other persons to be persons having the control or management of such street for the purpose of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as the same relate to the situation and depth in and at which the pipes shall be laid.

As to communication pipes.

53.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or any Acts from time to time relating to the Company 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.

(2) The Company 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 Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt. A.D.1915.

54. If it should appear to the Company that by reason of any injury to or defect in any communication pipe which is situate in a street and which the Company 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 Company 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 Company in executing such repairs shall be recoverable by the Company 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 Company to repair communication pipes.

55. 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 Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company. Maintenance of common pipe.

56. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain and remove meters and similar apparatus on the communication pipes service pipes and mains of the Company 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: Detection of waste.

Provided that the Company shall not break up or interfere with any electric lines wires or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

A.D. 1915.

Provided also 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.

Discharge of water into streams.

57.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Company may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make 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.

Directors may determine remuneration of secretary.

58. In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary of the Company.

Power to make superannuation and other allowances.

59. It shall be lawful for the Company to make superannuation and other allowances and to pay pensions or gratuities to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company.

Dwelling-houses for persons in Company's employ.

60. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices and other buildings for the purposes of the undertaking and may erect maintain and let any of such buildings upon any lands for the time belonging to or leased to the Company.

Purchase of water in bulk.

61. The Company may enter into and carry into effect agreements with any local authority company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed on and any water so purchased may be used by the Company for distribution within the limits of supply and otherwise for the purposes of their undertaking.

62. The Company may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed on Provided that such supply shall not be given except with the consent of any company or person supplying or able and willing to supply water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

A.D. 1915.
 Contracts for supply-
 ing water in
 bulk outside
 limits.

63. Section 55 (Additional capital) of the Weardale Act of 1902 shall be read and have effect as if the words "four hundred and forty thousand pounds" were substituted therein for the words "eight hundred and forty thousand pounds."

Amendment
 of capital
 power of
 Company.

64. Section 63 (New shares or stock to be offered by auction or tender) of the Weardale Act of 1902 shall be read and have effect as if the words "a reserve price shall be fixed" were substituted therein for the words "the reserve price put upon such shares or stock shall not be less than the nominal amount thereof."

Amendment
 of section 63
 of Weardale
 Act of 1902.

65. Notwithstanding anything contained in the Waterworks Clauses Act 1847 and any other Act relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the payment of any moneys to make up the deficiency of any dividend paid or payable more than six years previously.

Restriction
 upon back
 dividends.

66. The Company may raise appropriate and apply to all or any of the purposes or objects of this Act being purposes to which capital is properly applicable any of the moneys which under and by virtue of the recited Acts they are authorised to raise and have not yet raised and which may not be required for the purposes to which they are by those Acts authorised to be applied.

Power to
 apply exist-
 ing capital
 to purposes
 of this Act.

A.D. 1915.

Company
may issue
redeemable
preference
shares and
stock and
debenture
stock.

67.—(1) It shall be lawful for the Company from time to time to raise by the creation and issue of redeemable preference shares or redeemable preference stock but otherwise subject to the provisions of the Act or Acts relating thereto any additional sum which the Company is authorised to raise by the issue of new preference shares or new preference stock and the resolution creating the same shall specify the terms and conditions on which such shares or stock shall be redeemed.

(2) The Company may from time to time issue as a redeemable debenture stock any debenture stock which they are authorised to create and shall by the resolution creating the same specify the terms and conditions on which the same shall be redeemed.

(3) The Company may among the conditions for the redemption of any such shares or stock include an option to the Company to call in and pay off such shares or stock or a part thereof at any time before the fixed date of redemption and may also include a condition for the redemption thereof or of any part or parts thereof by the substitution for the shares or stock so to be redeemed of other like shares or stock of the Company (either redeemable or irredeemable) and to enable effect to be given to any such condition the Company may re-issue such shares or stock or may create and issue shares or stock in substitution therefor but so that the total nominal amount which the Company are authorised to create of the class or description of the shares or stock to be redeemed by such substitution shall not be exceeded. The terms and conditions upon which shares or stock shall be created and issued or re-issued as provided by this subsection shall be prescribed by resolution of the proprietors of the Company in general meeting.

Restriction
on raising
money
during war.

68. Notwithstanding anything in this Act the Company shall not under the powers of this or any other Act relating to the Company raise or borrow any money for the purposes of carrying out the powers of this Act except for the payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

69. In the event of the acquisition by the Company of any lands required by them for the purposes of this Act or of the construction of any work in respect of which the powers are by this Act revived or of any work by this Act authorised being delayed by reason of or in consequence of the present war the respective periods by this Act limited for the acquisition of such lands or for the construction of such works and for the taking of the waters of any stream by this Act authorised to be taken may be extended and the date after which the water supplied by the Company shall be constantly laid on under the pressure prescribed by the section of this Act of which the marginal note is "Limit of pressure" may be postponed by Provisional Order made by the Board of Trade and confirmed by Parliament and the Board of Trade are hereby empowered to make such Order and submit the same to Parliament for confirmation in like manner as if the same were an Order made by them under the provisions of the Gas and Water Works Facilities Act 1870.

A.D. 1915.
Power to Board of Trade to extend time limited for taking lands and waters and constructing works.

70. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any rate or charge in respect of a supply of water or of water fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Authentification and service of notices by Company.

71. No justice or judge of any county or quarter sessions shall be disqualified from acting in the execution of any Act relating to the Company or their undertaking by reason of his

Liability to waterrate not to disqualify justices from acting

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Act, 1915.

A.D. 1915. being liable to the payment of any water rate under any of those Acts.

Penalties not cumulative.

72. Penalties imposed under any Act or Acts relating to the Company or their undertaking and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Recovery of penalties &c.

73. 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 may be prosecuted and recovered in a summary manner Provided that costs or 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 demands.

74. Proceedings for the recovery of any demand made under the authority of any Act relating to the Company or their undertaking or any enactment incorporated therewith 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.

Costs of Act.

75. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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