



CHAPTER cc.

An Act for making further provision respecting the Supply of Water to the borough of Kingston-upon-Hull, and for other purposes.

A.D. 1872.

[10th August 1872.]

WHEREAS King Henry the Sixth, by a charter of the tenth day of March, in the twenty-fifth year of his reign, granted and gave license to the corporation of the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull (in this Act called the Corporation) by their then style of the mayor and burgesses of the town or borough of Kingston-upon-Hull, and to their successors, that they might acquire springs within the county of Kingston-upon-Hull, and dig on land to be acquired by them from those springs unto and in the said town, and in the same land so dug to bring water from the same springs unto the said town by leaden pipes, under ground, and other instruments, to hold to them and their successors the same pipes and instruments and springs, and the waters from the same springs running and brought by the pipes and instruments aforesaid unto and in the said town, in relief of the same town and all the inhabitants thereof, without any let or contradiction of the king or his heirs :

And whereas the Corporation thereupon purchased and rented springs at Anlaby (then in the county of the town of Kingston-upon-Hull, but now in the east riding of the county of York), and by a cut conveyed fresh water therefrom, and by means of waterworks and pipes distributed the same in the borough of Kingston-upon-Hull (in this Act called the borough) and in parts of the suburbs thereof, which works were known as the Springhead works :

And whereas in the session of Parliament of the sixth and seventh years of Her Majesty's reign an Act was passed (chapter seventy-three, local and personal,) intituled "An Act for better supplying with water the borough of Kingston-upon-Hull" (in this Act called the Water Act of 1843) :

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And whereas the Water Act of 1843, after reciting (among other things) as or to the effect herein-before recited, and after stating an extension of the borough, and stating that the inhabitants of the borough as then extended could not be altogether supplied with water from the aforesaid springs, and that a further supply of pure and wholesome water would be a great advantage to them, and that the Corporation were desirous, as far as practicable, of procuring a supply of water for the whole of the borough as then constituted, recited that it was ascertained that a supply of water could be obtained for such purpose from the river Hull at Stoneferry :

And whereas the Water Act of 1843 empowered the Corporation (section nineteen) to borrow on bond or on mortgage such sums of money as might be necessary for carrying that Act into execution, and for securing the repayment of the money so borrowed, with interest, to mortgage their waterworks and the rates or rents relating to the same, as also any other property belonging to the Corporation :

And whereas the Water Act of 1843 empowered the Corporation (section one hundred and twenty-five) from time to time to take such water as they might require from the river Hull at or near Stoneferry, and (section one hundred and thirty-two) to make waterworks and other works as therein mentioned on the lands purchased by them as they should think proper for better supplying the inhabitants within the limits of that Act with water :

And whereas the Water Act of 1843 enacted (among other things) to the effect (section one hundred and thirty-eight) that the Corporation might continue to supply the inhabitants of the borough, or of any part thereof, with water from their then existing waterworks as if that Act had not been passed, or, if they thought fit, might discontinue the use of all or any part thereof, or might connect the same or any part thereof with the works by that Act authorised, and disconnect the same again from time to time as they might think fit, and (section one hundred and thirty-nine) that all penalties and provisions by that Act imposed and authorised in respect of waterworks, mains, pipes, rates, rents, workmen, servants, and other matters thereby directed to be made, done, put or placed, charged or executed, and the obligations thereby imposed on the Corporation should also be in full force and effect with respect to the waterworks, springs, cuts, works, mains, pipes, roads, rents, workmen, servants, and other matters and things of the Corporation existing at the time of the passing of that Act, or to be made by virtue of the said charter of King Henry the Sixth :

And whereas the Corporation proceeded to make the works authorised by the Water Act of 1843 (known as the Stoneferry works),

and have expended on the execution of the Stoneferry works, and on the extension and improvement thereof from time to time, the sum of ninety-three thousand and eleven pounds in the whole : A.D. 1872.

And whereas since the passing of the Water Act of 1843 the Corporation have from time to time greatly extended and improved the Springhead works, and have expended on the extension and improvement thereof the sum of fifty-eight thousand two hundred and seventy-nine pounds in the whole :

And whereas the total amount expended on the Stoneferry and Springhead works together, since the passing of the Water Act of 1843, is the sum of one hundred and fifty-one thousand two hundred and ninety pounds :

And whereas the Corporation have from time to time borrowed money on bond for the purpose of carrying the Water Act of 1843 into execution, and the total amount of the bond debt so incurred and remaining undischarged is one hundred and twenty-eight thousand three hundred and fourteen pounds, but doubts have arisen whether such bond debt is valid against and binding on the Corporation, so far as the moneys thereby raised have been expended on the Springhead works :

And whereas it is expedient that the Corporation be empowered to further extend and improve the Springhead works, and for that purpose to borrow further money, and to discontinue, if they think fit, the use of the Stoneferry works, and also to take higher water rents than those which they are entitled to take under the Water Act of 1843 :

And whereas it is expedient that the Water Act of 1843 be in various respects extended and amended :

And whereas the Corporation are the local board for the municipal borough of Kingston-upon-Hull :

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

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

1. This Act may be cited as *The Kingston-upon-Hull Water Act, 1872.* Short title.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act ; (namely,)

Incorporation of
general Acts.

Sections thirteen to twenty-one (both inclusive) of the *Waterworks Clauses Acts, 1863.*

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Interpreta-
tion of terms.

3. In this Act—

“The Water Act of 1843” means the said Act for better supplying with water the borough of Kingston-upon-Hull:

“The Stoneferry works” means the waterworks at Stoneferry authorised by the Water Act of 1843:

“The Springhead works” means the waterworks made under the said charter of King Henry the Sixth, and the extensions and improvements thereof for the time being made before or after the passing of this Act:

“Water rent” means any rent, rate, or other sum payable to the Corporation in respect of a supply of water either for domestic or for other purposes:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same meanings, and in this Act and in enactments incorporated with this Act, the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt and not a debt or demand created by statute, and the term “superior court” shall include any court of competent jurisdiction.

Certain
Acts to be
construed
together, and
powers ex-
tended.

4. This Act and the Water Act of 1843 shall be read and have effect together as one Act, and for that purpose the term “this Act,” used in the Water Act of 1863, shall be construed to include the present Act, and the Springhead works shall be deemed part of the waterworks of the Corporation within the Act of 1843, and accordingly the provisions of that Act, including those relating to powers of and mode of borrowing money and to the supply of water, and all obligations, duties, and liabilities by that Act imposed on the Corporation, shall extend and apply to the Springhead works and to the Corporation in relation thereto, as well as to the Stoneferry works and to the Corporation in relation thereto.

Limits of
Act.

5. The limits of this Act and of the Water Act of 1843 shall be the municipal borough of Kingston-upon-Hull or the district of the local board for the district of Kingston-upon-Hull, whichever of those two districts is the larger for the time being.

Power to
agree for
easements,
&c.

6. For the purposes of the waterworks of the Corporation, the Corporation may purchase by agreement any lands not exceeding twenty acres, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them any estate, easement, interest, right, or privilege in, over, affecting, or belonging to such lands (not being an easement of water), but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and

according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

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7. Within ten years after the passing of this Act, the Corporation may and shall absolutely sell and dispose of all lands acquired by the Corporation under the provisions of the Water Act, 1843, but which shall not be required for the purposes thereof, for all the estate and interest of the Corporation in such lands respectively at the time of such sale.

Limit of time for sale of lands.

8. The whole expenditure made by the Corporation in respect of the Stoneferry and Springhead works since the passing of the Water Act of 1843, and the bond debt of one hundred and twenty-eight thousand three hundred and fourteen pounds existing at the passing of this Act, incurred in respect of those works, with interest thereon, are hereby declared to be valid against and binding on the Corporation.

Expenditure and debt for existing works confirmed.

9. Section one hundred and thirty-eight of the Water Act of 1843 shall include the Stoneferry works as if they were existing at the passing of that Act, and as if the Springhead works as extended and improved under this Act had been authorised by that Act; and in case of the discontinuance of the use of the Stoneferry works, or of any part thereof, the Corporation may, if they think fit, transfer to the Springhead works all or any part of the machinery, apparatus, and conveniences used or provided at or for the Stoneferry works, or may sell the same or any part thereof, and the proceeds of any such sale shall be applied as capital of their waterworks undertaking, and not otherwise.

Power to discontinue Stoneferry works.

10. The proceeds of the sale of any lands acquired by the Corporation for the purposes of their waterworks undertaking shall be applied as capital of that undertaking, and not otherwise.

Proceeds of sale of lands.

11. The water rent which the Corporation are by the Water Act of 1843 authorised to take for the supply of water for domestic purposes is hereby increased so as to be such sum as the Corporation from time to time think fit, not exceeding a sum at the rate of seven per centum per annum on the net annual value of the premises supplied.

Water rent for domestic supply.

12. With respect to the supply of water to courts, alleys, and other like places, the following provisions shall have effect; (namely,)

Stand pipes for water supply in courts, &c.

(1.) The Corporation or the owners of houses in those courts, alleys, and other places may erect standpipes therein for

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the use of all the persons occupying the houses therein, with proper fittings and apparatus, and keep the same in good repair :

- (2.) The supply of water so provided shall, for the purposes of the levying and recovering of water rents, and for all other purposes relative to the waterworks undertaking of the Corporation, be deemed to be a separate supply for each house, the occupiers whereof use the same :
- (3.) Where any such standpipe and apparatus are erected in lieu of a system of supply by pipes and taps, or in lieu of any standpipe and apparatus used at the passing of this Act, the expense of providing the same shall be borne by the Corporation :
- (4.) In all other cases that expense shall be borne by the owner of the house, the occupiers whereof have the right of using such standpipe and apparatus :
- (5.) In all cases the expense of the maintenance and repair of any such standpipe and apparatus, the same shall be borne by such owner :
- (6.) If any such standpipe and apparatus are at any time not kept in good repair, the Corporation may cause all proper repairs to be made thereto, and the expense thereof shall be recoverable by the Corporation from the owner as water rent is recoverable :
- (7.) In case of there being more owners than one liable to contribute to any expense under this section, their respective proportion thereof shall be settled by the engineer of the Corporation for the time being.

Regulations
for prevent-
ing waste,
&c. of water.

13. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect ; (namely,)

- (1.) The Corporation may from time to time make such reasonable regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water :
- (2.) By any such regulations the Corporation may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles to be used by such persons for conveying, delivering, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water ;

and such regulations, or any of them, may, if the Corporation think fit, apply to any pipe, valve, cock, cistern, soil-pan, watercloset, or other apparatus or receptacle existing at the time of the making of the regulations :

- (3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless such regulations as are for the time being in force are duly observed by him :
- (4.) In case of the failure of any such person to observe such regulations as are for the time being in force, the Corporation may, if they think fit, after twenty-four hours notice in writing, and by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered as water rent is recoverable :
- (5.) No such regulation shall have any force or effect until it has been approved by the Local Government Board.

14. The Corporation may, if requested by any person supplied or about to be supplied by them with water, furnish to him, and from time to time repair or alter, any such pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

Power for Corporation to supply materials, &c.

15. If any person laying, fixing, or making, or undertaking to lay, fix, or make any communication pipe or other pipe, or any fitting or connexion for the purpose of taking water from any main or pipe of the Corporation does anything in contravention of or fails in any respect to comply with the regulations of the Corporation under this Act, or lays, fixes, or makes the same in such manner that the water of the Corporation is in consequence thereof wasted, misused, unduly consumed, or contaminated, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for breaches of regulations, &c.

16. Any money payable to the Corporation under any agreement relating to the laying of pipes or other water fittings, or to the supply or repair of a meter, and any other money payable to the

Recovery of money due.

A.D. 1872. Corporation under any agreement relating to a supply of water shall be recoverable as water rent is recoverable.

Notice of discontinuance.

17. A notice to the Corporation for the discontinuance of a supply of water shall not be of any effect unless it is in writing, and is left at the waterworks office of the Corporation at the town hall of the borough.

Contents of summons, &c.

18. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Rates, &c. may be recovered by distress.

19. All rates and sums due to the Corporation, and all damages, costs, and expenses by this Act directed to be paid, may be levied by distress after the defaulter has been duly summoned, and any justice on application by the Corporation may and shall issue his warrant accordingly.

Costs of distress.

20. Any justice who issues a warrant of distress for any of the purposes of this Act, may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Recovery of sums due to the Corporation.

21. Whenever any person neglects to pay any water rent or other sum due to the Corporation, they may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debt of the like amount, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Judges, &c. not disqualified.

22. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any water rent, meter hire, or other charge due to the Corporation.

Power to supply local boards, &c. in bulk.

23. The Corporation may from time to time enter into and carry into effect such agreements as they think fit with any local board or sewer authority, or other local authority or public body, for the supply of water in bulk by the Corporation to the contracting board, authority, or body for distribution in their district beyond the limits of this Act: Provided that the same can be supplied without prejudice to a full supply to the inhabitants within the limits of this Act.

Supply of water to Anlaby.

24. The Corporation, when required by the sewer authority or other body authorised or empowered to contract for a supply of water for the use of the inhabitants of the township of Anlaby, or of any district or place within such township, shall provide and maintain at the expense of such sewer authority or body, on land to

be provided by them, such meter or meters, and all necessary works for affording a supply of water, and shall supply water in bulk and by meter as may be required by such sewer authority or other body not exceeding five million gallons per annum, upon such sewer authority or body providing and maintaining all necessary mains, pipes, and other apparatus for taking and receiving such supply of water from the Springhead works, and paying to the Corporation for the water so supplied at the rate of sixpence for every thousand gallons. The engineer of the Corporation shall have the charge of any meter or meters for any such supply, and such engineer and authority shall have free access thereto at all times: Provided always, that it shall not be imperative on the Corporation to supply under this provision more than fifty thousand gallons of water in any one day: Provided also, that the provisions contained in this section shall not interfere with or prejudice any agreement which may be entered into between the Corporation and the said sewer authority or body for any further supply of water for the township of Anlaby under section 23 of this Act.

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25. That in addition to the water which the Corporation now supply by agreement to the two farms belonging to or reputed to belong to Sir James Walker, Baronet, at Springhead, occupied by Joseph Wood and Francis Wood, the said Sir James Walker shall and may have connexions, mains, and pipes from the Springhead works for the purpose of conveying water, and shall have a supply of water from such works free of costs for all the houses and cottages now built upon his Springhead estate, but all the regulations for the time being in force within the borough relating to connexions, service pipes, or fittings, or to the waste of water supplied by the Corporation, shall apply to the supply of water so to be given as aforesaid and to the connexion pipes and fittings for taking the same.

Supply of existing houses on the estate of Sir James Walker.

26. Any houses or buildings hereafter to be built upon the said Springhead estate of the said Sir James Walker may be supplied by the Corporation with water in like manner as if such estate were within the borough, and in case of any such supply being made, all the provisions of this Act, and of the Water Act, 1843, shall apply to such houses or buildings and to the water supply thereof, and to all mains, pipes, rates, rents, regulations, offences, penalties, and other matters connected therewith or incident thereto, in like manner as if the said estate were situated within the borough.

Supply of houses and buildings herein-after to be built on the estate of Sir James Walker.

27. The Corporation shall only be bound to supply the township of Anlaby, or the said estate of the said Sir James Walker, or any houses or buildings now built or hereafter to be built thereon,

Want of supply to Anlaby and estate of

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Sir James
Walker ex-
cused.

with water, so long as they shall continue to use the Springhead works for the supply of the borough with water, and they shall not be liable for not supplying such water to such township, estate, houses, or buildings respectively, if the want of such supply arises from frost, unusual drought, breakage, or accident to machinery, or any other unavoidable cause or accident whatever.

Limitation
of actions-for
proceedings
in execution
of this Act.

28. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the Act committed, and not afterwards or otherwise, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action, and no plaintiff shall recover in any action if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into court with costs by or on behalf of the defendant.

Saving for
other powers
of Corpora-
tion.

29. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, privilege, interest, or property which the Corporation would have had under or by virtue of any charter or Act, or otherwise, if this Act had not been passed.

Expenses
of Act.

30. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be paid by the Corporation out of any money received by the Corporation in respect of their waterworks undertaking, or out of the borough fund and borough rate.