

[42 & 43 VICT.] *Arlecdon and Frizington Water* [Ch. cxxxii.]  
*Act, 1879.*



### CHAPTER cxxxii.

An Act to authorise the Whitehaven Union Rural Sanitary Authority to construct Waterworks for the supply of Water to the Special Drainage District of Arlecdon and Frizington within their District; and for other purposes. A.D. 1879.  
[21st July 1879.]

WHEREAS the townships of Arlecdon and Frizington, being part of the district of the Whitehaven Union Rural Sanitary Authority, in the county of Cumberland (in this Act called "the Sanitary Authority"), have been for several years past and are still very inadequately supplied with water, and have been constituted a special drainage district under the provisions of section 277 of the Public Health Act, 1875: 38 & 39 Vict.  
c. 55.

And whereas it is expedient to increase and improve the supply of water to such special drainage district in manner and subject to the conditions herein-after proposed, and for such purposes to make and maintain the works herein-after mentioned:

And whereas estimates have been prepared by the Sanitary Authority for the purchase of land for and the execution of the waterworks by this Act authorised, and such estimates amount to the sum of thirteen thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act, 1875:

And whereas at a meeting of the Sanitary Authority held on the tenth day of October one thousand eight hundred and seventy-eight, it was unanimously resolved that that authority should apply to Parliament in the ensuing session for powers necessary for the procuring a water supply for the special drainage district aforesaid:

And whereas the resolution for the promotion of the Bill for this Act was unanimously confirmed at a meeting of the Sanitary Authority held on the twenty-fourth day of October one thousand eight hundred and seventy-eight:

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And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and buildings 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 Cumberland, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

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 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 :

Short title.

1. This Act may be cited as the *Arlecdon and Frizington Water Act, 1879.*

Incorporation of general Acts.

8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict. c. 18.  
10 & 11 Vict. c. 17.  
26 & 27 Vict. c. 93.  
8 & 9 Vict. c. 20.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Acts, 1847 and 1863 (except the provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit), and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof (except where expressly varied by this Act), shall be incorporated with and form part of this Act, and such Acts and parts or provisions of Acts are in this Act referred to as "the incorporated Acts," and the provisions of the Railways Clauses Consolidation Act, 1845, shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith, and as if such reservoirs and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoirs and works were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the intended reservoirs.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; the expression "the special drainage district" shall mean the special drainage district of Arlecdon and Frizington as constituted by the Order of the Local Government Board made on the seventeenth

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day of May one thousand eight hundred and seventy-six, and in the Acts wholly or partially incorporated with this Act; and also in this Act the expression "the promoters of the undertaking," "the undertakers," or "the company," shall mean the Sanitary Authority; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. A.D. 1879.

4. The limits of this Act for the supply of water shall be the special drainage district. Water limits.

5. This Act shall be executed by the Sanitary Authority with the powers and indemnities and according to the provisions of the Public Health Act, 1875, and that Act shall in relation to the Sanitary Authority, and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of that Act so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Act, 1875, are expressly varied or otherwise provided for by this Act. Act to be executed by Sanitary Authority.

6. Subject to the provisions of this Act, the Sanitary Authority by means of the works by this Act authorised to be made, or any of them, may from time to time supply water within the special drainage district, and may sell and dispose of the water within the special drainage district as they from time to time think fit. Power for Sanitary Authority to supply water.

7. Subject to the provisions of this Act, the Sanitary Authority may make and maintain the reservoirs, aqueducts, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situation, upon the levels, and in, over, or upon the lands delineated on the deposited plans and sections and described in the deposited book of reference, and for those purposes may enter upon, take, impound, divert, and use all or any of the lands, streams, springs, and waters delineated on the deposited plans and described in the deposited book of reference, or which can or may be intercepted or taken by the said waterworks or works by this Act authorised in connexion therewith. Power to construct waterworks and other works.

8. The works by this Act authorised and herein-before referred to are the following; (that is to say)

1. A reservoir in the valley known as Cogra Moss, to be formed

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by an embankment one hundred yards in length or thereabouts placed across the stream known as Moss Beck, at a point thereon thirty yards or thereabouts, measured up the said stream, from the east end of the wood marked Rakegill Wood on the published Ordnance map (sheet 62.15), which intended reservoir will be partly in the township of Lamplugh, partly in the township of Murton, and wholly in the parish of Lamplugh ;

2. An aqueduct, conduit, or line of pipes, commencing in the intended reservoir (No. 1) at a point thirty yards or thereabouts east of the centre of the embankment thereof in the township of Murton in the parish of Lamplugh, and passing thence in, through, and into the parishes, townships, and places of Lamplugh, Murton, Winder, and Arlecdon, and terminating in the intended reservoir next hereafter described ;
3. A reservoir in the parish of Arlecdon, situate on the south side of the field or inclosure known as High Leys, which said field is numbered 120 on the published Ordnance map (sheet 62.13) of the said district ;
4. An aqueduct, conduit, or line of pipes, commencing in the intended reservoir lastly herein-before described at or near the south-west side thereof, passing thence in, through, or into the townships, parishes, or places of Arlecdon and Frizington, and terminating by a junction with an existing line of pipes at a point on the highway between the villages of Arlecdon and Frizington, seven hundred and eighty yards or thereabouts, measured in a south-westerly direction, from the guide post on the said highway in the said parish of Arlecdon, where the road branches off to Whitehaven and Distington ;

together with all such wells, shafts, borings, conduits, and other works, approaches, roads, ways, embankments, tanks, filtering beds, dams, sluices, conduits, channels, drains, pipes, engines, and conveniences as may be necessary for collecting, raising, filtering, drawing, and distributing water in connexion with the above works.

Limits of deviation.

9. The Sanitary Authority in constructing the works by this Act authorised may make deviations from the line of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections to any extent not exceeding two feet upwards and five feet downwards : Provided always, that the heights of the embankments

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of the reservoirs above the general surface of the ground as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid. A.D. 1879.

10. The powers of the Sanitary Authority for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

11. In addition to the lands, streams, and waters which the Sanitary Authority are by this Act authorised to purchase compulsorily, they may for any of the purposes of this Act, but subject to the provisions of this Act, from time to time, by agreement, purchase in fee either absolutely or in consideration of any yearly or other rent any additional quantity of land, not exceeding in the whole five acres, or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act, but the Sanitary Authority shall not erect any buildings upon such lands other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with the waterworks by this Act authorised. Power to acquire additional lands.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Sanitary Authority any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

13. The works hereby authorised shall be completed within six years from the passing of this Act, and on the expiration of such period the powers by this Act granted to the Sanitary Authority for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed: Provided always, that, subject to the provisions of this Act, the Sanitary Authority from time to time may alter, enlarge, and extend their engines, machinery, tanks, filter beds, mains, and pipes in such way and manner as shall be necessary for supplying water under this Act. Period for completion of works.

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For protec-  
tion of Lon-  
don and  
North-wes-  
tern and  
Furness  
Railway  
Companies.

14. In constructing and maintaining the aqueduct, conduit, or line of pipes numbered 2, and particularly described in section 8 of this Act (herein-after referred to as Aqueduct No. 2), and any mains, pipes, or other works crossing or affecting any of the railways forming part of the Joint Whitehaven, Cleator, and Egremont Railway Undertaking belonging jointly to the London and North-western and Furness Railway Companies (herein-after referred to as the two companies), or any of the works thereof respectively, or any lands belonging to or used by the two companies in connexion with such railways and the works thereof, the Sanitary Authority shall observe, perform, and be bound by the following provisions, stipulations, and conditions; namely,

- (1.) The Aqueduct No. 2, where it will cross the Whitehaven, Cleator, and Egremont Railway of the two companies, shall be carried under that railway by mains or pipes, which for the entire length of such crossing under the railway and for twenty-five feet on each side thereof shall be of such materials, dimensions, quality, and thickness as the principal engineer of the two companies for their said joint undertaking shall in writing reasonably approve, and such mains or pipes shall be so carried thereunder by means of a walled passage or culvert of sufficient height and width to admit of the same being examined to ascertain the condition and state of repair and to effect the repairs and renewals thereof, and according to plans to be previously so approved, and so that with respect to such crossing the Sanitary Authority shall not without the consent in writing of such engineer deviate the said mains or pipes vertically or laterally from the lines thereof as shown on the deposited plans and sections, and all such works for and at such crossing, as also all other mains, pipes, and works laid, constructed, or executed by the Sanitary Authority crossing or in any way affecting any of the said railways or any of the works thereof respectively, or any such lands or property, and all maintenance, repairs, and renewals thereof respectively shall be done and executed by the Sanitary Authority to the reasonable satisfaction in all respects and under the superintendence of such engineer, and in all things at the expense of the Sanitary Authority, and whenever any such works, maintenance, repairs, or renewals are commenced they shall be executed and completed with all due despatch, and shall

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be so constructed, executed, and maintained that the said railways, or any of the works thereof respectively, shall not be injured nor the traffic upon the said railways in any way impeded : A.D. 1879.

- (2.) In case the Sanitary Authority shall not at all times duly maintain and keep repaired and renewed the Aqueduct No. 2, walled passage, or culvert, and the works at such crossing of the said railway, or in case of any accident happening to or defect appearing in, or there being any leakage from or bursting of that aqueduct at or near such crossing, or of any other mains or pipes at any other crossing of the said railways, the two companies may effect such maintenance, repairs, and renewals, and all works necessary to stop such leakage and bursting, and recover from the Sanitary Authority the amount of their expenditure in that behalf, with full costs, by all and the same means as any simple contract debt is recoverable ; and if by reason of or of the failure of any works, operations, or proceedings of the Sanitary Authority, or any of their contractors, or the agents, servants, or workmen of the Sanitary Authority or of their contractors, the said railways, or any of the works thereof at or near any such crossing shall be injured, the Sanitary Authority shall forthwith make good the same, or in case they shall make default in that behalf, then the two companies may make good the same, and recover as aforesaid from the Sanitary Authority the amount of their expenditure in that behalf, with full costs ; and if any interruption shall be occasioned to the traffic on the said railways by reason of or of the failure of any works, operations, or proceedings of the Sanitary Authority, or of any of their contractors, or the agents, servants, or workmen as aforesaid, the Sanitary Authority shall pay to the two companies all costs and expenses to which they may be put, as also compensation for all loss and inconvenience to be sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recovered as aforesaid, with full costs :
- (3.) The Sanitary Authority shall not, without the consent in writing of the two companies under their common seals, purchase, take, enter upon, or use temporarily or permanently any such lands, property, or works, or any estate, right, easement, privilege, or authority in, over, or upon the same respectively, or alter, vary, or interfere with the

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said railways, or any of the works thereof or thereto appertaining, except that the Sanitary Authority may purchase, and the two companies may and shall sell and grant to the Sanitary Authority, such easement as may be necessary for carrying the Aqueduct No. 2 across the said railway and the lands thereto adjoining according to the provisions herein-before prescribed, and for repairing, maintaining, and renewing the same and the works thereof at such crossing:

(4.) The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

Water for domestic purposes.

**15.** A supply of water for domestic purposes shall not include a supply for more than one watercloset, or for cattle, or for horses, or for washing carriages, where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for steam engines, or for working any machine or apparatus, or for any trade, manufactory, or business, or for watering gardens, or for fountains, or for any ornamental use.

Compensation water in respect of Moss Beck.

**16.** As compensation for the waters of the Moss Beck to be taken, impounded, and appropriated under the powers of this Act, and before the Sanitary Authority shall be entitled to take the same or any part thereof for the supply of their district, the Sanitary Authority shall, out of the Reservoir No. 1 by this Act authorised, cause to flow and to be discharged into the Moss Beck at a point below the embankment of Reservoir No. 1 mentioned in subsection 1 of section 8 of this Act a quantity of water not being less than six hundred thousand gallons per diem.

As to supply of compensation water.

**17.** The quantity of compensation water mentioned in the last preceding section shall be discharged in a regular, equal, constant, and continuous supply during the whole twenty-four hours of every day in the year.

Water supply to be compensation to mill-owners, &c.

**18.** The quantity of water aforesaid shall, except as herein-after provided, be deemed to be full compensation to all persons interested in the waters of the Moss Beck for and in respect of the water abstracted under the powers of this Act from that stream.

Limiting quantity of water to be taken.

**19.** It shall not be lawful for the Sanitary Authority to take from the Reservoir No. 1 by this Act authorised for the supply of water within the limits of this Act any greater quantity of water than three hundred thousand gallons in any one day.



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20. For the purpose of measuring the quantities of water to be so discharged by the Sanitary Authority into the Moss Beck and to be taken by them from the Reservoir No. 1, they shall construct in proper and convenient positions proper and sufficient measuring gauges over or through which the said quantities of water shall flow or be discharged, and the same gauges shall be open to the inspection and examination of the several persons for the time being interested in the waters so to be discharged into the Moss Beck, and the said gauges shall for ever, after the same shall be constructed, be maintained in a proper state of repair by and at the expense of the Sanitary Authority.

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Gauges to be erected by Sanitary Authority.

21. If at any time the Sanitary Authority shall fail to discharge through a proper gauge or gauges into the Moss Beck the quantity of water which they are required by this Act to discharge thereinto, they shall for each and every day during which or any part of which such failure shall occur forfeit and pay to the occupier for the time being of each and every mill or other work entitled to such supply of water under this Act, who shall sue for the same in any court of competent jurisdiction within six calendar months after such failure shall have occurred, and prove damage to that amount, the sum of five pounds.

Penalty on failure to supply the stipulated quantity of water.

22. For the protection of Walter Lamplugh Brooksbank and his sequels in estate the following provisions shall have effect; that is to say,

Provisions for the protection of Walter Lamplugh Brooksbank.

(1.) As a further compensation for interference with the water supply to Lamplugh Mill, the Sanitary Authority shall pay to the said Walter Lamplugh Brooksbank and his sequels in estate an annual sum of thirty pounds by equal half-yearly payments, on the second day of August and the second day of February in each year, the first of such payments to be made on the first of such days which shall fall after the Sanitary Authority shall have commenced their Reservoir No. 1:

(2.) The said annual sum of thirty pounds shall be deemed to be a part of the special expenses of the Sanitary Authority within the meaning of sections 229 and 230 of the Public Health Act, 1875, and shall be payable accordingly:

(3.) If any such half-yearly payment be not made within twenty-one days after the same shall have become due, the same may be recovered by the said Walter Lamplugh Brooksbank or his sequels in estate from the Sanitary Authority in any court of competent jurisdiction:

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- (4.) The Sanitary Authority shall, before impounding any water in the said Reservoir No. 1, at their own costs and charges in all respects, divert the stream of water flowing into Moss Beck from the mines of Walter Lamplugh Brooksbank to a point in the said beck below the proposed Reservoir No. 1 and as near thereto as reasonably may be :
- (5.) The Sanitary Authority shall construct such works as shall be requisite for making good any interruption caused to any lands adjoining or near the waterworks or otherwise for the accommodation of such lands :
- (6.) Except in so far as is by this Act expressly provided with relation to compensation in respect of Lamplugh Mill nothing in this Act shall lessen or interfere with the rights of the said Walter Lamplugh Brooksbank or his sequels in estate to such compensation in money or works as he or they would be entitled to under the provisions of the Lands Clauses Consolidation Act, 1845, and the Waterworks Clauses Act, 1847, or either of those Acts, for the value of any lands or streams taken or injuriously affected, and for any damage other than to the said mill which he or they may sustain by reason of the exercise of the powers of this Act.

Rates for  
supply of  
water.

**23.** The Sanitary Authority may demand and take for the supply of water for domestic purposes within the special drainage district any rates and charges not exceeding the rates and charges following ; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water shall not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds and ten shillings ;

Where such annual rackrent or value shall exceed twenty pounds and not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds ;

Where such annual rackrent or value shall exceed forty pounds and not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds and ten shillings ;

Where such annual rackrent or value shall exceed sixty pounds and not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds ;

Where such annual rackrent or value shall exceed eighty pounds and not exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds and ten shillings ;

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Where such annual rackrent or value shall exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds : A.D. 1879.

Provided always, that the Sanitary Authority shall not be compellable to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house.

In addition to the rates computed as above specified, the Sanitary Authority may charge for a second watercloset and for any private bath in any private dwelling-house or part of such dwelling-house, or appurtenant thereto, the following rates; (that is to say,) Rates for waterclosets and private baths.

Where the annual rackrent or value shall not exceed ten pounds, the sum of five shillings per annum ;

When the annual rackrent or value shall exceed ten pounds but shall not exceed twenty pounds, the sum of six shillings per annum ;

When the annual rackrent or value shall exceed twenty pounds but shall not exceed forty pounds, the sum of eight shillings per annum ;

When the annual rackrent or value shall exceed forty pounds but shall not exceed eighty pounds, the sum of ten shillings per annum ;

When the annual rackrent or value shall exceed eighty pounds, the sum of twelve shillings per annum ;

And for every additional watercloset beyond the second and for every additional bath beyond the first, the sum of five shillings a year respectively.

**24.** If any consumer leave the premises to which water has been supplied without paying to the Sanitary Authority the water rate or charges due from him, the Sanitary Authority shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears. Incoming tenant not to be liable for arrears of water rent, except by express agreement.

**25.** The Sanitary Authority are hereby authorised and required to cause either main pipes or service pipes, as circumstances shall require, to be laid down, and water to be brought through every street within the special drainage district, and, save as herein-after mentioned, shall, at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down, furnish to such person within such house by means of branch or communication pipes and other necessary or proper apparatus to be Supply of water for domestic purposes.

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A.D. 1879. — provided, laid down, and maintained as herein-after mentioned, at the cost of such person, a sufficient supply of water for domestic purposes, and, save as herein-after mentioned, the owner of any house within the special drainage district shall, when thereunto required by the Sanitary Authority, provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate in such manner as to afford an actual supply of water within such house to the occupier thereof, and, except as herein-after provided, the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

Power to }  
Sanitary  
Authority to  
supply fit-  
tings, &c.

**26.** The Sanitary Authority may, if requested by any person supplied or about to be supplied by them with water, furnish to him, at his costs and charges, and from time to time repair and alter, any such pipes, valves, meters, cocks, cisterns, baths, soil pans, watercloset apparatus, and receptacles as may be required, and may provide all materials and do all works necessary or proper in that behalf.

For prevent-  
ing waste of  
water.

**27.** The Sanitary Authority shall not be compellable to supply with water any watercloset or private bath or the apparatus connected therewith, unless the same be made to the satisfaction of the Sanitary Authority, and used so as to prevent the waste or undue consumption of the water of the Sanitary Authority, or with respect to a private bath if it contain when filled for use more than fifty gallons of water.

Public drink-  
ing foun-  
tains.

**28.** The Sanitary Authority from time to time, when as they think it expedient, may put up and continue, and from time to time remove or discontinue, drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the special drainage district as the Sanitary Authority think fit, but not against any private dwelling-house, warehouse, counting-house, or shop, except with the consent of the owner and occupier thereof, or against any public building unless the building shall be the property of the Sanitary Authority.

Charges for  
supply of  
water for  
other than  
domestic pur-  
poses.

**29.** The Sanitary Authority may supply water within the special drainage district for purposes other than domestic purposes, on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Sanitary Authority and the person requiring the supply, and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided always, that no person shall be entitled to a supply of water for other than domestic pur-

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poses if such supply prejudices the sufficiency of the supply of water for domestic purposes. A.D. 1879.

**30.** Where the annual rackrent or value of a house supplied with water does not exceed eight pounds, or the house is let to monthly or weekly tenants, or tenants holding for any other period less than a quarter of a year, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner. Rate payable by owner for small houses, &c.

**31.** The Sanitary Authority may from time to time, on terms mutually agreed on, supply water to places beyond the special drainage district, provided the same can be supplied without prejudice to a full supply for all purposes to the inhabitants within the special drainage district: Provided always, that nothing in this section contained shall prejudice the right of any other sanitary authority to supply water within their own district, or any application by any company for parliamentary powers to supply with water any places adjoining the special drainage district which may be so supplied by the Sanitary Authority under this section; and if any such other sanitary authority desires to exercise such right, or if such powers be granted to any company, the Sanitary Authority shall, if so required by such authority or company, sell to them all the mains, pipes, and other works of the Sanitary Authority within the district of such authority or company, other than and except any wells, pumping stations, mains, pipes, or other works used for service beyond the limits of such authority or company, at the price to be fixed, in default of agreement by arbitration, under the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869. Supply of water beyond special drainage district.

**32.** The Sanitary Authority may from time to time under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the water rates and other revenue of the Sanitary Authority arising from their water undertaking, and of any rate or rates the overseers in the respective parishes within the special drainage district may be authorised to levy for special expenses under the provisions of sections 229 and 230 of the Public Health Act, 1875, or of any of such securities either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act, not exceeding in the whole thirteen thousand pounds, and no person advancing money to the Power to Sanitary Authority to borrow on mortgage.

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Rates to be increased.

**33.** After any money is borrowed under this Act, the estimate for and the amount raised by the rates leviable within the special drainage district shall comprise the sums for the time being required in addition to the net income from the water undertaking of the Sanitary Authority for the payment of interest and repayment of principal on or in respect of the money so borrowed.

Mortgages, &c. to be under provisions of 38 & 39 Vict. c 55., but certain restrictions not to apply.

**34.** Subject to the provisions of this Act, the provisions of the Public Health Act, 1875, with respect to mortgages by the Sanitary Authority, and to the payment thereof by means of a sinking fund, shall apply to all money borrowed by the Sanitary Authority under this Act, but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Act, 1875, and in calculating the amount which the Sanitary Authority may borrow under the Public Health Act, 1875, any sums which they may borrow under the provisions of this Act shall not be reckoned: Provided always, that nothing in this Act contained shall authorise the Sanitary Authority to borrow moneys from the Public Works Loans Commissioners under the powers and for the purposes of this Act.

Application of moneys borrowed.

**35.** All moneys from time to time borrowed under this Act on mortgage shall be applied by the Sanitary Authority only as follows:

First, in payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or such proportion thereof as the Sanitary Authority think fit:

Secondly, in paying the expenses of and incident to the construction of the reservoirs and waterworks by this Act authorised, and in providing and laying main pipes and other conveniences for the supply of water, and generally in carrying out the purposes of this Act to which capital is properly applicable.

Power to re-borrow.

**36.** If the Sanitary Authority pay off any part of any money borrowed by them under the preceding provisions of this Act otherwise than by instalments or by means of a sinking fund, or by the sale of superfluous lands, they may reborrow the same, and so from time to time: Provided always, that all moneys so reborrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid.

**37.** All water rates or sums received by the Sanitary Authority for the supply of water, and all other receipts and credits on account of revenue of the waterworks of the Sanitary Authority, shall in each and every half year be applied as follows :

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Application  
of water  
revenue of  
Sanitary  
Authority.

First, in payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the waterworks, and otherwise carrying on the water undertaking of the Sanitary Authority ;

Secondly, in payment of the interest upon mortgages under the provisions of this Act ;

Thirdly, in from time to time providing the instalments or setting apart and appropriating the sinking fund required by this Act for paying off mortgages under the provisions of this Act as and when each such instalment or such sinking fund is required to be provided or set apart and appropriated ;

Fourthly, in maintaining the waterworks ; and

Lastly, as to any surplus remaining after the purposes aforesaid are effected for such purposes (other than water supply) within the special drainage district as moneys raised for special expenses within that district under the Public Health Act, 1875, would be applicable.

**38.** The Sanitary Authority shall pay off the moneys raised by mortgage under the provisions of this Act by means of the sinking fund, or by equal annual instalments of principal, or of principal and interest, or partly by the sinking fund and partly by such annual instalments, as they think fit, and the sum or sums to be yearly set apart for the sinking fund or instalment shall be of such an amount as will, in the opinion of the Local Government Board, enable the Sanitary Authority to pay off the amount raised by such mortgages under the powers of this Act in the course of sixty years after the passing of this Act ; but the Sanitary Authority shall not be bound to commence the formation of the sinking fund or the payment by instalment by setting apart or applying any portion of their revenue for the purpose until the expiration of three years from the passing of this Act.

Amount and  
period for  
sinking fund  
and instal-  
ments.

**39.** The sums set apart for any sinking fund under the provisions of this Act, and the interest thereon, shall be invested in the purchase of Exchequer bills or other Government securities, or any other securities in which trustees for the time being are authorised to invest trust moneys, or may be applied by the Sanitary Authority in paying off mortgages granted under the provisions of this Act ; and the Sanitary Authority may from time to time, as they think

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of sinking  
fund.

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A.D. 1879. — fit, sell all or any Exchequer bills or securities which shall have been so purchased, and apply the proceeds in paying off mortgages granted under the provisions of this Act: Provided always, that whenever any of such mortgages have been so paid off, the Sanitary Authority shall thenceforth, until the whole of such mortgages have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the interest of the mortgages so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to or in excess of the annual interest of the mortgages then due and outstanding, the Sanitary Authority may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Separate accounts.

40. The Sanitary Authority shall keep a separate account of all their receipts, credits, payments, and liabilities in respect of their water undertaking, to be called the "Water Account," and such account shall distinguish capital and revenue, and shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts, and production of vouchers, as other accounts of the Sanitary Authority under the Public Health Act, 1875.

Apportionment of items.

41. In all cases in which the Sanitary Authority keep separate accounts for separate purposes they may apportion between those accounts, or carry to any of them any receipts, credits, payments, and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Audit of accounts.

42. Sections 248 to 250 inclusive of the Public Health Act, 1875, relating to the audit of accounts, shall apply to the water account under this Act, except that the amount of any additional remuneration payable for audit of the water account shall be determined by the Local Government Board, and such amount shall be paid by the Sanitary Authority, and shall be charged to the water account.

Annual return to Local Government Board with respect to sinking fund.

43. The clerk to the Sanitary Authority shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or any instalment is required to be paid under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year



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preceding the making of such return, and the description of the securities upon which the same and the interest thereon has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Sanitary Authority have failed to pay any instalment, or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund, or any interest thereof, to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

A.D. 1879.

44. The Sanitary Authority, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or any part thereof, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way or partly in another.

Power to borrow under provisions of 38 & 39 Vict. c. 83.

And moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the rate or fund, or rates or funds, or revenues upon which the costs, charges, and expenses from time to time incurred by the Sanitary Authority in the execution of such purpose are made a charge by this Act, and such rate or fund, or rates or funds, or revenue, shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

Every such loan shall be discharged within sixty years from the passing of this Act, and such discharge or any part thereof shall be effected by means of a sinking fund if the Sanitary Authority shall so think fit, and if the Sanitary Authority at any time think fit to form any such sinking fund, all sums paid into the same, shall, as soon as may be, be invested by the Sanitary Authority in any manner in which trustees are by law for the time being authorised to invest trust moneys.

45. In case default shall be made by any person in payment of any water rate or sum for the supply of water due to the

Recovery of water rates, &c.

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A.D. 1879. Sanitary Authority under the authority of this Act, it shall be lawful for the Sanitary Authority to separate the pipe supplying with water the person so making default, and communicating with the waterworks of the Sanitary Authority, and to stop the water from flowing or passing into the premises of such person, and if any person shall neglect or refuse to pay the amount due from him to the Sanitary Authority in respect of water rates or rents, or the sale or hire of water meters, meters, mains, pipes, or tubes, for the space of fourteen days after the demand thereof by the Sanitary Authority, their agent or collector, it shall be lawful for any justice to issue his summons to such person, requiring him to appear at a time and place therein named, and then and there to show cause why the amount so demanded should not be paid, and if on the appearance of such person, or in default of appearance, after proof of service of the summons, either personally or at the last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the water, if the same shall have been cut off by the Sanitary Authority, as to such justice shall seem just and reasonable.

Power for Sanitary Authority to remove water pipes from unoccupied premises.

46. If and whenever any house, building, or premises which shall have been supplied with water by the Sanitary Authority shall be unoccupied for the space of three months, the Sanitary Authority, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business, or, if the owner or his usual place of abode or business be not known to the Sanitary Authority after inquiry, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Sanitary Authority.

Settlement of disputes as to compensation, &c. not otherwise provided for.

47. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall in case of dispute be ascertained and determined as provided

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by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation. A.D. 1879.

**48.** Every penalty imposed by this Act, or by any byelaw under this Act (except where the Sanitary Authority shall be the party by whom the penalty has to be paid), shall be paid to the treasurer of the Sanitary Authority, and shall be carried by him to the credit of the water account, or of such other account as the case may require. Application of penalties.

**49.** Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts, and the Public Health Act, 1875, shall be deemed several Acts. Penalties not cumulative.

**50.** Any summons, demand, or notice, or other such document to be given by the Sanitary Authority under this Act, or under the Public Health Act, 1875, or any of them, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Sanitary Authority the signature thereof by the clerk of the Sanitary Authority shall be a sufficient authentication. Authentica-  
tion of  
notices.

**51.** Any summons, warrant, notice, demand, or other process 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. Contents of  
summons or  
warrant.

**52.** Except as is by this Act expressly provided, this Act, or anything herein contained, shall not take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Sanitary Authority, or of the Local Government Board under the Sanitary Acts as defined by the Public Health Act, 1875, or under that Act. Saving  
rights of  
Sanitary  
Authority.

**53.** All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be examined and allowed by some person to be authorised by one of Her Majesty's Principal Secretaries of State or by the Local Government Board, and shall be raised and paid by the Sanitary Authority as special expenses of the special drainage district, and ultimately shall be charged by them to the water account by this Act provided. Expenses of  
Act.

