

[44 & 45 VICT.] *Egremont Local Board Waterworks* [Ch. cxxiii.]  
*Act, 1881.*



CHAPTER cxxiii.

An Act to authorise the Local Board for the district of Egremont in the county of Cumberland to construct Waterworks and to supply Water; and for other purposes.

A.D. 1881.

[19th July 1881:]

WHEREAS the town of Egremont and adjacent places under the jurisdiction of the Local Board for the district of Egremont in the county of Cumberland (in this Act called "the Local Board") have been for several years past and are still very inadequately supplied with water:

And whereas it is expedient to increase and improve such supply in manner and subject to the conditions herein-after proposed and for such purposes to empower the Local Board to make and maintain the works herein-after mentioned and to borrow money and apply their funds for those purposes:

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

And whereas plans and sections describing the lines situations and levels of the intended works and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the clerk of the peace for the county of Cumberland and which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of eighteen thousand and five hundred pounds and those works are permanent works within the meaning of section 234 of the Public Health Act 1875:

38 & 39 Vict.  
c. 55.

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the 24th day of September and

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A.D. 1881. by adjournment on the 4th day of October 1880 (the whole number of the Local Board being present on each occasion) after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Northern Counties Gazette a local newspaper published or circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rates :

And whereas such resolution was published twice in the Cumberland Pacquet a newspaper circulating in the district of the Local Board and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the seventh day of January 1881 being no less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district of the Local Board by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 Egremont Local Board Waterworks Act 1881.

Incorporation of General Acts. 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 and form part of this Act namely :—

8 & 9 Vict. c. 18. The Lands Clauses Consolidation Acts 1845 1860 and 1869 in this Act referred to as the Lands Clauses Acts ;

23 & 24 Vict. c. 106. 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 ;

32 & 33 Vict. c. 18. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but those provisions shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately

10 & 11 Vict. c. 17.

26 & 27 Vict. c. 93.

8 & 9 Vict. c. 20.



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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. A.D. 1881.

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 district" shall mean the district of the Local Board 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 Local Board 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 in 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. Interpretation of terms.

4. The limits of this Act for the supply of water (in this Act called "the water limits") shall be the district of the Local Board. Water limits.

5. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act 1875 and that Act shall in relation to the Local Board 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 that Act are expressly varied or otherwise provided for by this Act. Act to be executed by Local Board.

6. Subject to the provisions of this Act the Local Board 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 water limits and may sell and dispose of water within the water limits as they from time to time think fit. Power for Local Board to supply water.

7. Subject to the provisions of this Act the Local Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections the embankment reservoir conduits and other works herein-after described that is to say:— Power to make works.

1. An embankment to be situate in the parishes of Cleator and Haile in the county of Cumberland commencing in the parish of Cleator at a point in an enclosure numbered 597

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- in that parish on the Ordnance map distant 60 yards or thereabouts from the centre of Kirk Beck measured in a north-westerly direction from a point in that beck distant 495 yards or thereabouts from the junction of Nannycatch Beck and Lagget Beck measured down the stream along the centre of Kirk Beck and terminating in the parish of Haile in an enclosure numbered 9 in that parish on the Ordnance map 65 yards or thereabouts measured in a south-easterly direction from the said point in Kirk Beck ;
2. A storage and service reservoir commencing at and formed by the embankment herein-before described and terminating near Raven Cragg in the parish of Cleator at a distance of 60 yards or thereabouts to the south-west of Nannycatch Gate ;
  3. A conduit or line of pipes (No. 1) commencing in the parish of Haile at a point in the intended embankment herein-before described 30 yards or thereabouts from the point of termination of that embankment and terminating in the parish of Egremont at a point on the north bank of the River Ehen distant 48 yards measured in a westerly direction from the down stream end of the central pier of the Egremont bridge over that river ;
  4. A conduit or line of pipes (No. 2) commencing in the parish of Saint John Beckermet by a junction with the conduit or line of pipes (No. 1) at a point in a road adjoining an enclosure numbered 98 on the Ordnance map near to the north-east boundary fence of that enclosure and terminating in the parish of Egremont on the western bank of the River Ehen at a point 3 yards measured in a southerly direction from the western abutment of Brisco Mill bridge over that river ;
  5. A new road or alteration or diversion of the existing public road leading from Egremont up Uldale and over Flat Fell in the county of Cumberland commencing in the parish of Haile by a junction with the last-mentioned road at a point thereon 220 yards or thereabouts measured in a south-westerly direction from the point of commencement of the intended embankment before described and terminating in the parish of Cleator by a junction with the same road at a point thereon 20 yards or thereabouts measured in a northerly direction from Nannycatch Gate ;

Together with all necessary and proper embankments dams channels basins bye-washes weirs culverts cuts bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds wells weirs engines engine houses and other



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buildings pumps conduits catchwaters tanks mains pipes and other apparatus for the effectual construction maintenance and use of the said intended works or incidental thereto for collecting impounding conveying and distributing water in to and within the district. A.D. 1881.  
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8. Subject to the provisions of this Act the Local Board may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works hereby authorised and may take divert collect and impound appropriate and use for the purposes of this Act the waters of the Kirk Beck Lagget Beck Nannycatch Beck Uldale Beck and Lakerigg Gill Beck and all other streams and waters shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by or for the before-mentioned works and all waters found in on or under any of the lands taken for the purposes of this Act. Power to  
take lands  
and streams.

9. Subject to the provisions of this Act the Local Board may in the construction of any of the works shown on the deposited plans deviate laterally from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans and may deviate from the levels shown on the deposited sections in the case of the reservoir to any extent not exceeding two feet upwards and five feet downwards and in the case of other works to any extent not exceeding ten feet but the Local Board shall not in the exercise of the said power of lateral deviation construct any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and two feet in addition. Power to  
deviate.

10. As full compensation for the waters of the Kirk Beck Lagget Beck Nannycatch Beck Uldale Beck and Lakerigg Gill Beck and all other streams and waters intercepted by the reservoir aforesaid to be diverted taken collected impounded and appropriated under the powers of this Act the following provisions shall have effect (that is to say) :— Compensa-  
tion water.

1. The Local Board shall deliver into the Kirk Beck at a point therein situate not more than one hundred yards below or down the stream from the centre of the said embankment a regular and continuous flow of not less than two hundred thousand gallons a day of twenty-four hours ;
2. The Local Board shall construct and thenceforward maintain a notched gauge plate or such gauges sluices or other works as shall be requisite to measure and secure the flow of the quantity of water aforesaid ;

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3. Such notched gauge plate gauges sluices and works shall respectively be open to the inspection and examination of the several persons for the time being interested in the waters so to be discharged or to flow through or over the same respectively ;

4. If any difference arise between the Local Board and the parties so interested as aforesaid as to any of the provisions of this section the same shall be determined by a hydraulic engineer to be agreed on between the parties in difference and in default of agreement by a hydraulic engineer to be nominated on the application of either party after seven days notice in writing to the other by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be in the discretion of the arbitrator.

Protection  
of Lord  
Leconfield.

11. Nothing herein contained shall prevent Henry Lord Leconfield and his sequels in estate from taking or using the water of any of the said streams or becks for any mining or other purpose for which he or they for the time being may be entitled to take or use the same above the places where the Local Board are by this Act authorised to intercept or impound the waters of the said streams or becks provided that the quantity of water so to be taken each day by the said Lord Leconfield and his sequels in estate shall not exceed between the thirty-first day of March and the first day of October of any year twenty-seven thousand gallons of water per day (being three-tenth parts of ninety thousand gallons the estimated mean aggregate daily flow of water in dry summer weather) and between the thirtieth day of September of one year and the first day of April of the following year forty-five thousand gallons of water per day : Provided that the said Henry Lord Leconfield and his sequels in estate shall return all water taken or used by them and not consumed which may be clean either into the streams above the reservoir or into the reservoir and shall carry all water taken or used by them and not consumed which may be discoloured or unclean in a watertight carrier along the north side of the said reservoir to a point about midway between the foot of the embankment of the said reservoir and the gauge of the said Local Board and there discharge such water into the said stream or beck called Kirk Beck. All the expenses of and in relation to the construction and maintenance of the works necessary for returning carrying and discharging any water which may be taken and used by the said Lord Leconfield or his sequels in estate shall be borne and paid by him and them : Provided also that if any difference shall arise between the said Lord Leconfield or his sequels in estate and the



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Local Board relating to anything authorised by this section such difference shall be determined by two engineers one to be appointed by the said Lord Leconfield or his sequels in estate and the other by the Local Board or failing agreement by the said engineers by an engineer to be appointed by the President of the Institute of Civil Engineers upon the application of either party.

12. In constructing and maintaining the conduit or line of pipes No. 1 particularly described in section 7 of this Act (hereinafter referred to as Conduit No. 1) and any mains pipes or other works authorised by this Act 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 (hereinafter 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 Local Board shall observe perform and be bound by the following provisions stipulations and conditions namely:—

Protection  
of London  
and North-  
Western and  
Furness  
Companies.

- (1.) The Conduit No. 1 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 25 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 and sections to be previously so approved and so that with respect to such crossing the Local Board shall not without the consent in writing of such engineer deviate the said mains or pipes vertically or laterally from the lines and levels thereof as shown on the deposited plans and sections and all such works for and at such crossing and all maintenance repairs and renewals thereof shall be done and executed by the Local Board to the reasonable satisfaction in all respects and under the superintendence of such engineer and in all things at the expense of the Local Board and whenever any such works maintenance repairs or renewals are commenced they shall be executed and completed with all due despatch and shall be so constructed executed and maintained that the said railway or any of the works thereof

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shall not be injured nor the traffic upon the said railway in any way impeded ;

- (2.) Any other mains pipes or works to be laid constructed or executed by the Local Board under the powers of this Act crossing or in any way affecting any of the said railways or the works thereof or any such lands or property and the maintenance repairs and renewals thereof shall be done and executed by the Local Board to the reasonable satisfaction in all respects and under the superintendence of such engineer and in all things at the expense of the Local Board and so that the traffic upon the said railways shall not be impeded ;
- (3.) In case the Local Board shall not at all times duly maintain and keep repaired and renewed the Conduit No. 1 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 conduit at or near such crossing the two companies may effect such maintenance repairs and renewals and all works necessary to stop such leakage and bursting and recover from the Local Board 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 Local Board or any of their contractors or the agents servants or workmen of the Local Board or of their contractors the said railways or any of the works thereof at or near any such crossings shall be injured the Local Board 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 Local Board 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 Local Board or of any of their contractors or the agents servants or workmen as aforesaid the Local Board 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 ;
- (4.) The Local Board 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



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authority in over or upon the same respectively or alter vary or interfere with the said railways or any of the works thereof or thereto appertaining except that the Local Board may purchase and the two companies may and shall sell and grant to the Local Board such easement as may be necessary for carrying the Conduit No. 1 across the said railway and the lands thereto adjoining, according to the provisions hereinbefore prescribed and for repairing maintaining and renewing the same and the works thereof at such crossing ;

- (5.) 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 and any Act amending that Act with respect to the purchase of lands otherwise than by agreement.

**13.** The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

**14.** In addition to the lands streams and waters which the Local Board 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 or take on lease any additional quantity of land not exceeding in the whole ten 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 Local Board 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 lands by agreement.

**15.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board and the Local Board may take and hold 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 at a yearly rent or otherwise and the provisions of the Lands Clauses 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.

Power to take easements, &c. by agreement.

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Period for  
completion of  
works.

**16.** If any work shown on the deposited plans is not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Local Board for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section shall restrict the Local Board from extending enlarging altering or removing any of their engines machinery tanks filter beds mains or pipes or from improving their supply of water at any time and from time to time as occasion may require subject to the provisions of this Act.

Power to  
agree with  
sanitary  
authorities  
as to  
sewerage  
works.

**17.** The Local Board may from time to time enter into agreements with any adjoining sanitary authority concerning the construction and maintenance of any sewer or drain or for the contribution to the expense thereof made for the purpose of intercepting or carrying off the sewage or foul water which might otherwise flow into the conduits and waterworks of the Local Board or otherwise foul the waters of the Local Board.

Supply  
regulated by  
gravitation.

**18.** The Local Board shall not be bound at any time to lay on the supply of water at any elevation at which having regard to the general supply of the district the water cannot be supplied by gravitation from the reservoir to be constructed under the powers of this Act.

Rates for  
supply of  
water.

**19.** The Local Board may demand and take for the supply of water for domestic purposes within the district any rates and charges not exceeding the rates and charges following (that is to say) :—

If the net rateable value of the dwelling-house supplied with water shall not exceed twenty pounds at the rate of seven pounds ten shillings per centum per annum upon such value ;

If such net rateable value shall exceed twenty pounds and not exceed forty pounds at the rate of seven pounds per centum per annum upon such value ;

If such net rateable value shall exceed forty pounds and not exceed sixty pounds at the rate of six pounds ten shillings per centum per annum upon such value ;

If such net rateable value shall exceed sixty pounds and not exceed eighty pounds at the rate of six pounds per centum per annum upon such value ;

If such net rateable value shall exceed eighty pounds and not exceed one hundred pounds at the rate of five pounds ten shillings per centum per annum upon such value ;



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If such net rateable value shall exceed one hundred pounds at the rate of five pounds per centum per annum upon such value; A.D. 1881.

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

20. In addition to the rates computed as above specified the Local Board may charge in respect of each watercloset beyond one and for each private bath in any dwelling-house hotel or factory the following rates respectively (that is to say) :— Rates for waterclosets and private baths.

Where the net rateable value shall not exceed ten pounds the sum of five shillings per annum;

When the net rateable value shall exceed ten pounds but shall not exceed twenty pounds the sum of six shillings per annum;

When the net rateable value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum;

When the net rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum;

When the net rateable value shall exceed eighty pounds the sum of twelve shillings per annum.

Provided always that for baths containing as usually filled for use a greater quantity of water than sixty gallons the Local Board may charge an increased rate according to the size of such baths.

21. Where the net rateable value of a house supplied with water does not exceed ten 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 by the Local Board 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 certain houses.

22. Notwithstanding anything in this Act contained the Local Board shall not be compellable to afford a supply of water for domestic purposes to the owner or occupier of any part of a dwelling-house unless the whole of such dwelling-house is rated for a supply of water. Local Board not bound to supply part of a house unless whole house rated.

23. The surveyor of the Local Board or other person duly appointed for the purpose by the Local Board may between the hours of eight of the clock in the forenoon and six of the clock in the afternoon enter any building or place supplied with water by the Local Board and inspect the pipes valves cocks cisterns waterclosets Local Board officer may enter buildings to inspect fittings.

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A.D. 1881. fittings and apparatus and see whether they are in good repair and if such surveyor or other person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Local Board a sum not exceeding five pounds.

Local Board may make regulations for preventing waste, &c. of water.

24. Subject to the provisions of this Act the Local Board may within the part of the limits of the water supply within which they are bound to give a constant supply from time to time for the purpose of preventing any waste misuse undue consumption or contamination of water supplied by them by regulation prescribe the fittings to be used within the limits of this Act in which term fittings is included the size nature strength materials position mode of arrangement and repair of the pipes valves cocks cisterns water-closets and other matters connected therewith and may interdict any fittings or mode of arrangement which in their judgment may tend to any such waste misuser undue consumption or contamination.

Local Board may refuse supply where regulations not complied with.

25. In the event of any regulation not being observed by any person having or requiring a supply of water for trade purposes the Local Board may refuse to supply water or may cut off the water supplied to him unless and until the regulations be complied with and if and whenever any difference shall arise as to whether the regulations have been complied with the difference may be referred by either party to and shall be settled by two justices.

Supply of water by meter.

26. The Local Board may if they think fit enter into agreements for the supply of water for trade purposes by measure to any consumer and may charge a rent for each meter to be payable quarterly in advance and to be recoverable in all respects as if the same were rates for the supply of water for domestic purposes.

Amendment of Section 44 of 10 & 11 Vict. c. 17.

27. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent" "in writing of the owner or reputed owner of any such house or of" "the agent of such owner" were omitted and any rent paid by an occupier in pursuance of the provisions of that section may be deducted by the occupier from any rent from time to time due by him to the owner.

Supply of water to tenements in a row.

28. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Local Board to any other such tenement unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water.



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**29.** When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of those houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Local Board by a distinct pipe.

When several houses supplied by one pipe each to pay.

**30.** The Local Board may if requested by any person supplied or about to be supplied by them with water provide and furnish to him and from time to time repair or alter any such meters pipes valves cocks 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 and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Local Board may supply meters &c.

**31.** All service pipes and fittings and all fittings connected with any service pipe to communicate with the mains and pipes of the Local Board which shall be provided by any person shall be placed and removed under the superintendence of the Local Board and at the expense of that person.

Service pipes &c. to be under superintendence of Local Board.

**32.** The Local Board may by notice in writing under the hand of their surveyor or other duly authorised officer require any person who shall have suffered any pipe cock cistern or other apparatus to be out of repair forthwith to put the same into a proper state of repair and if that person shall not within twenty-four hours after the service of that notice so repair the pipe cock cistern or other apparatus as to prevent any waste of water therefrom the Local Board may repair the same and if the expenses of that repair shall not be repaid to the Local Board on demand the same may be recovered by the Local Board as damages in addition to the penalty if any recovered for the offence.

Local Board may require pipes &c. to be repaired.

**33.** The Local Board may from time to time if they think fit make abatements by way of discount or otherwise in respect of the payment of rates in advance or within such time after the demand thereof as the Local Board may think fit to prescribe in that behalf and may agree with any owner or occupier of any dwelling-house supplied with water by them for compounding for the rates payable in respect of that supply : Provided that water shall be supplied of equal rates to all such owners or occupiers.

Abatements and agreements as to rates.

**34.** The Local Board may supply water within the district for purposes other than domestic purposes on such terms and conditions as shall be agreed on between the Local Board and the person or

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A.D. 1881. — company desirous of having that supply and the moneys payable for that supply shall be deemed to be water rates and recoverable accordingly: Provided always that no person or company shall be entitled to a supply of water for other than domestic purposes if the Local Board shall be of opinion that such supply would be likely to diminish the sufficiency of the supply of water for domestic purposes.

Power to  
refuse certain  
supply except  
by measure.

**35.** The Local Board may if they think fit in any case refuse to supply water for other than domestic purposes except by measure.

Power to  
supply water  
outside the  
district.

**36.** Subject to the provisions of this Act it shall be lawful for the Local Board from time to time to enter into contracts with the owner of any tenement or hereditaments in the neighbourhood of any of their water mains pipes or works although not within the limits of this Act or with any corporation local board or other local authority within the meaning assigned to that term by the Public Health Act 1875 or with any company or person whose district or property may be within or without those limits or intersected by or near to any water main pipe or work for supplying such owner corporation local board or local authority company or person as aforesaid with water in bulk or otherwise upon such terms and conditions and for such periods as may be agreed upon between the Local Board and those other parties respectively: Provided always that the Local Board shall not supply water under any such contracts if and so long as their doing so would prevent them from giving throughout the limits of this Act a sufficient supply of water for domestic purposes.

Local Board  
when so  
required to  
sell pipes &c.  
outside the  
district.

**37.** At any time after the passing of this Act the Local Board shall when so required by any other sanitary authority sell to that other sanitary authority all pipes fittings and other apparatus for or connected with the distribution of water belonging to the Local Board and which shall at that time be laid or lie in the district of that sanitary authority excepting all such pipes mains and other works required and used or that may be required and used for supplying and conveying water into and for the district of the Local Board at such price and upon and subject to such terms and conditions as may be settled by agreement between the Local Board and that sanitary authority or failing such agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and after any such sale the powers of the Local Board to supply water within the district of that sanitary authority shall cease.



[44 & 45 VICT.] *Egremont Local Board Waterworks* [Ch. cxxiii.]  
*Act, 1881.*

**38.** The Local Board 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 Local Board arising from their water undertaking and of the general district rate under the Public Health Act 1875 or of any of those 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 eighteen thousand and five hundred pounds and in addition thereto the Local Board may with the previous approval of the Local Government Board borrow at interest upon the like securities such further sums not exceeding two thousand pounds as the Local Government Board may think fit.

A.D. 1881.  
Power to borrow.

**39.** After any money is borrowed under this Act the estimate for and the amount raised by the general district rates leviable by the Local Board shall comprise the sums for the time being required in addition to the net income from the water undertaking of the Local Board for the payment of interest or repayment of principal on or in respect of the money so borrowed.

General district rates to be increased.

**40.** The powers of borrowing money conferred by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain restrictions as to borrowing of 38 & 39 Vict. c. 55. not to apply.

**41.** The Local Board may from time to time reborrow any money borrowed by them under this Act or the Local Loans Act 1875 and paid off otherwise than by instalments or appropriations or annual repayments or by means of a sinking fund or out of moneys received on capital account: Provided always that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing is made.

Power to reborrow. 38 & 39 Vict. c. 83.

**42.** No person lending money to the Local Board shall be bound or entitled to inquire as to the observance by them of any provision of this Act or the Public Health Act 1875 or be bound to see to the application or be answerable for any loss misapplication or non-application of the money so lent by him or of any part thereof.

Protection of lenders.

**43.** All mortgages granted by the Local Board and subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all

Existing mortgages to have priority.

[Ch. cxxiii.] *Egremont Local Board Waterworks* [44 & 45 VICT.]  
Act, 1881.

A.D. 1881. mortgages and debenture stock or other security granted or issued under this Act.

Form of mortgages.

44. Every mortgage made by the Local Board under this Act shall be by deed under their common seal duly stamped and truly stating the consideration and may be in the form contained in the schedule to this Act or to the like effect.

Application of moneys.

45. All moneys from time to time borrowed under this Act or otherwise received on capital account shall be applied by the Local Board for the purposes of this Act 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 Local Board think fit;

Secondly. In paying the expenses of and incident to the purchase of lands and easements and the construction of the works by this Act authorised and in providing and laying main pipes and other conveniences for the supply of water;

Thirdly. In the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage and of re-borrowing.

Application of revenue.

46. The Local Board shall apply all rates or sums received by them for the supply of water and all other receipts and credits on account of the waterworks of the Local Board except borrowed money and other receipts on capital account as follows:—

First. In payment of their costs charges and expenses of and incidental to the collecting and recovering of water rates and rents and of the borrowing of money under this Act;

Secondly. In payment of the expenses of conducting managing and maintaining and otherwise carrying on their waterworks undertaking;

Thirdly. In payment of the interest upon mortgages or other securities created or granted under the provisions of this Act;

Fourthly. In providing the instalments and appropriations and annual repayments and setting apart the sinking fund required by this Act;

Any balance remaining after the purposes aforesaid are effected shall be paid to and form part of the general district rate.

Payment off of money borrowed.

47. The Local Board shall pay off the moneys raised under the provisions of this Act by equal annual instalments or appropriations or by means of a sinking fund or partly by annual instalments and partly by a sinking fund as they think fit and the sum or sums to be yearly set apart for the instalments or appropriations or



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sinking fund shall be of such an amount as will enable the Local Board to pay off the amount raised under the powers of this Act in the course of sixty years from the date of this Act but the Local Board shall not be bound to commence the formation of the sinking fund or the payment by instalment or appropriation by setting apart or applying any portion of their revenue for the purpose until the expiration of five years from the passing of this Act.

A.D. 1881.

48. 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 may be applied by the Local Board in paying off mortgages granted under the provisions of this Act and the Local Board may from time to time as they think 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 Local Board 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 Local Board 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: Provided further that the provisions of this section shall apply mutatis mutandis to debentures debenture stock and annuity certificates.

Application  
of sinking  
fund.

49. The Local Board shall keep separate accounts in respect of their water undertaking and those accounts shall distinguish between capital and revenue.

Separate  
accounts.

50. The provisions of the Public Health Act 1875 relating to the audit of accounts shall apply and be observed with respect to the accounts kept under the provisions of this Act.

Audit.

51. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or appropriation or annual repayment in respect of moneys borrowed on mortgage or set apart for a sinking fund under this Act or the Local Loans Act 1875 transmit to the Local Government Board a return in such form as may be

Annual re-  
turn to Local  
Government  
Board with  
respect to  
sinking  
fund.

[Ch. cxxiii.] *Egremont Local Board Waterworks* [44 & 45 VICT.]  
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A.D. 1881.

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 appropriation or annual repayment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof 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 Local Board have failed 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.

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

**52.** The Local Board 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 and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon the revenue of the water undertaking and upon the general district rates and such revenue and rates shall be deemed to 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 Local Board shall so think fit and if the Local Board 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 Local Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Recovery and  
application of  
penalties.

**53.** Every penalty imposed by this Act or under any bye-law made in pursuance of this Act shall be recoverable in a



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summary manner in any court of competent jurisdiction and all penalties recovered by the Local Board under this Act or under any byelaw made in pursuance of this Act shall be paid to the treasurer of the Local Board and shall be carried by him to the credit of the waterworks account or of the general district account as the case may require.

A.D. 1881.

**54.** 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.

**55.** Any summons demand or notice or other such document to be given by the Local Board under this Act or under the Public Health Act 1875 or either of them may be in writing or print or partly in writing and partly in print and if the same require authentication by the Local Board the signature thereof by the clerk of the Local Board shall be a sufficient authentication.

Notices.

**56.** 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.

Contents of summons or warrant.

**57.** Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of such money.

Costs of warrant of distress.

**58.** No justice or judge of any quarter sessions or county court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act or by reason of his being a member of the Local Board.

Liability to water rates not to disqualify justice, &c.

**59.** A notice to the Local Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the clerk to the Local Board.

Notice to Local Board to discontinue supply.

**60.** The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the general district rate and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter

Expenses of Act.

[Ch. cxxiii.] *Egremont Local Board Waterworks* [44 & 45 VICT.]  
*Act, 1881.*

A.D. 1881. ninety-one with respect to the Bill for this Act and all matters relating thereto such costs and expenses to be taxed and ascertained by the taxing officer of the House of Commons.

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SCHEDULE to which the foregoing Act refers.

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FORM OF MORTGAGE.

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By virtue of the Egremont Local Board Waterworks Act 1881 We the Egremont Local Board in consideration of the sum of \_\_\_\_\_ paid to our treasurer by *A.B.* of \_\_\_\_\_ for the purposes of the said Act do grant and assign unto the said *A.B.* his executors administrators and assigns such proportion of the rates rents profits and other moneys arising or accruing by virtue of the said Act or by virtue of the Public Health Act 1875 from the general district rate levied or leviabie thereunder as the said sum of \_\_\_\_\_ doth or shall bear to the whole sum which is or shall be borrowed upon credit of the said rates rents profits or moneys. To hold to the said *A.B.* his executors administrators and assigns from this day until the said sum of \_\_\_\_\_ shall be repaid to him or them with interest at \_\_\_\_\_ per centum per annum by equal half-yearly payments on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in every year. The principal to be repaid at the end of \_\_\_\_\_ years from the date hereof at the office of the Local Board.

Given under our corporate seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 .