



CHAPTER clix.

An Act for authorising the Horsforth Waterworks Company to construct additional works and to purchase additional lands and to raise additional capital and for other purposes. A.D. 1885.
[6th August 1885.]

WHEREAS by the Horsforth Waterworks Act 1865 (in this Act called "the Act of 1865") the Horsforth Waterworks Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain waterworks and to supply water within the township of Horsforth in the west riding of the county of York :

And whereas for the purposes of such supply it is expedient that the Company should be authorised to make and maintain the additional works in this Act described to purchase additional lands and to raise additional capital and that the powers of the Company should be otherwise extended :

And whereas plans and sections of the works by this Act authorised showing also the lands houses and property intended to be compulsorily taken under the powers of this Act and books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands to be taken under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act referred to as the deposited plans sections and books of reference :

And whereas the Company have not created and issued debenture stock :

And whereas the objects 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

[Ch. clix.] *Horsforth Waterworks Extension* [48 & 49 VICT.]
Act, 1885.

A.D. 1885. Commons in this present Parliament assembled and by the authority of the same as follows :

Short title.

1. This Act may be cited for all purposes as the *Horsforth Waterworks Extension Act 1885* and the *Horsforth Waterworks Act 1865* and this Act may be cited together for all purposes as the *Horsforth Waterworks Acts 1865 and 1885*.

Incorporation of general Acts.

2. The provisions of the *Companies Clauses Consolidation Act 1845* with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provisions to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the *Companies Clauses Act 1863* the *Lands Clauses Consolidation Acts 1845 1860 and 1869* as amended by the *Lands Clauses (Umpire) Act 1883* the *Waterworks Clauses Acts 1847 and 1863* 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 are (except where expressly varied by this Act) incorporated with and form part of this Act : Provided that the provisions of the last-mentioned Act shall apply only to the reservoirs water-tanks and filters by this Act authorised and that in construing those provisions for the purposes of this Act the expressions “ the railway ” and “ the centre of the railway ” shall respectively mean the reservoirs water-tanks and filters and the boundaries thereof.

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 some-

thing in the subject or context thereof repugnant to such construction ; and A.D. 1885.

The expression "court of competent jurisdiction" or any other like expression in this Act or any Act 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 ; and

The expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them ; and

The expression "superior courts" shall include county courts in all cases where the amount of debt or demand is within the jurisdiction for the time being of county courts.

4. Subject to the provisions of this Act the Company may make and maintain in the situation and according to the lines and levels shown upon the deposited plans and sections the several works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose and may collect and impound in the intended reservoirs the water of the Low Well Beck and the Baton Bridge Beck which will be intercepted by the said works or any of them and all such streams springs and waters as flow into and through the site of the said works or into the said becks. The works herein-before referred to and authorised by this Act will be wholly situate in the west riding of the county of York and are as follows :

Power for Company to make works shown on deposited plans and sections.

No. 1. A storage reservoir (herein-after referred to as Work No. 1) to be formed by means of an embankment 193 yards or thereabouts in length across the Low Well Beck in a north-easterly and south-westerly direction the centre line of the said embankment at the point where it crosses Low Well Beck aforesaid being distant 122 yards or thereabouts from the point where such beck crosses the boundary wall of the existing storage reservoir of the Company measured in a straight line in a north-westerly direction. The reservoir will be situate in pasture lands in the townships of Horsforth and Rawden.

No. 2. An aqueduct conduit or line of pipes (herein-after referred to as Work No. 2) from Work No. 1 commencing at a point

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near the middle of the foot of the northern slope of the said embankment and running in a south-easterly direction to Low Well Beck aforesaid at a point 43 yards or thereabouts from the point where such beck crosses the boundary wall of the existing storage reservoir measured in a straight line in a north-westerly direction.

No. 3. A bye channel (herein-after referred to as Work No. 3) from the Low Well Beck aforesaid commencing at a point 17 yards or thereabouts from the north-western end of Work No. 1 and running along the south-west side of Work No. 1 and terminating in a waste watercourse herein-after described as Work No. 4 at a point 24 yards or thereabouts from its commencement in Work No. 1.

No. 4. A waste watercourse (herein-after referred to as Work No. 4) in a south-westerly and southerly direction from Work No. 1 commencing at a point near the western end of the aforesaid embankment to the western end of Work No. 5 herein-after described in No. 5.

No. 5. An extension and diversion (herein referred to as Work No. 5) of the existing bye channel of the Company commencing from a point on the Baton Bridge Beck 66 yards or thereabouts measured in a straight line in a westerly direction from the point where the said beck is crossed by the boundary wall of the existing storage reservoir of the Company and running along the south side of the said storage reservoir to a point on the existing bye channel of the Company 151 yards or thereabouts measured along the line of the said bye channel from its termination in the compensation reservoir.

No. 6. An extension of the existing storage reservoir of the Company (herein-after referred to as Work No. 6) to be made by the raising of the embankment of such reservoir and the lengthening of the same (by an addition at either end in a south-westerly direction) to 337 yards or thereabouts.

No. 7. A pure-water tank and filters (herein-after referred to as Work No. 7) to be situate partly on land of the Company and partly on the northern end of a field belonging or reputed to belong to John Stephenson and immediately to the south of the existing compensation reservoir of the Company.

No. 8. An aqueduct conduit or line of pipes (herein-after referred to as Work No. 8) from the existing storage reservoir of the Company at or near the middle of the foot of the western slope of the embankment thereof in an easterly direction to the filters forming part of Work No. 7.

No. 9. An aqueduct conduit or line of pipes (herein-after referred to as Work No. 9) in a northerly direction from the pure-water tank forming part of Work No. 7 to the existing supply conduit of the Company at a point 160 yards or thereabouts from its commencement in the existing storage reservoir of the Company. A.D. 1885.

5. The Company may in connexion with such works from time to time construct and maintain within their limits of supply all necessary and convenient mains pipes sluices stand pipes approaches buildings tanks embankments filtering beds dams and other works and conveniences except reservoirs for collecting filtering storing and distributing water. Power to make incidental works.

6. Subject to the other provisions of this Act in executing the works shown on the deposited plans the Company may deviate laterally from the lines thereof to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards or downwards: Provided always that the Company shall not in the exercise of the powers of deviation hereby given construct any embankment or retaining wall of the reservoirs hereby authorised to be constructed or extended of a greater actual height above the ordinary level of the Low Well Beck than that shown on the deposited sections in the case of such embankment or retaining wall and two feet in addition. Lateral and vertical deviations.

7. The Company may in the construction of the works by this Act authorised divert the footpath running on the south side of the wall enclosing the existing reservoirs of the Company and shown on the deposited plans as intended to be diverted in the manner shown upon the said plans and the site and soil of the said footpath shall vest in the Company. Power to divert foot-path.

8. The provisions of section 37 of the Act of 1865 shall apply for the protection of the North-eastern Railway Company in connexion with all works authorised by or executed under the powers of this Act as if such works had been expressly mentioned in such section. For protection of the North-eastern Railway Company.

9. 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 this Act grant or demise and may by way of exchange convey to the Company any lands or any easement right or privilege (not being an easement or right of water) required for the purposes of this Act in over or Power to grant easements &c.

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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 demises and conveyances and to such lands easements rights and privileges as aforesaid respectively.

Powers for compulsory purchase limited.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Power to purchase additional lands.

11. The Company may from time to time for the purposes of their undertaking purchase by agreement in addition to the lands they are authorised to take by compulsion any lands not exceeding in the whole five acres but no building shall be erected upon the lands so purchased except buildings required for the purposes of the Company's waterworks undertaking.

Restriction on displacing persons of labouring class.

12. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers.

Restrictions may be imposed upon the sale of superfluous property.

13. Upon any sale by the Company under the provisions of the Lands Clauses Consolidation Act 1845 relating to superfluous lands of any lands or hereditaments purchased by them under the powers of this Act the Company may reserve to themselves all or any part of the water or water rights and other easements thereunto belonging which they are authorised to acquire under this Act and may sell such lands and hereditaments subject to such reservations and also subject to such special conditions restrictions and provisions with reference to the use of water and for preventing the exercise of any noxious trade or business upon the premises and for preventing or regulating the discharge and deposit of manure sewage and other impure matter and liquids as they may think fit.

Period for completion of works.

14. The Work No. 7 shall be completed within one year from the passing of this Act The remainder of the works shown on the deposited plans and by this Act authorised except Work No. 6 shall be completed within three years after the passing of this Act and Work No. 6 shall be completed within ten years after the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Company for making the respective works or otherwise in relation thereto shall

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cease to be exercised except as to so much of the respective works as is then completed: Provided that nothing in this Act contained shall extend to restrain the Company from exercising any powers for or in respect of the execution or completion of such works which the Company may be otherwise authorised to exercise nor to restrain the Company from enlarging or extending their mains pipes and works (other than reservoirs) from time to time whenever it shall be necessary for the purpose of supplying water within the limits of this Act.

15. If the Company do not within the respective times by this Act provided complete the works by this Act authorised except Work No. 6 the urban sanitary authority for the district of Horsforth shall at the expiration of each of those respective times have the option of purchasing the undertaking of the Company at a price to be agreed upon or failing agreement to be determined by two arbitrators or their umpire under the provisions of the Public Health Act 1875. The price in default of agreement shall be such sum as such arbitrators or umpire shall ascertain and determine to be the value of the said undertaking to the said urban sanitary authority.

As to purchase of undertaking by Horsforth Sanitary Authority.

16. Notwithstanding anything in this Act contained the Company shall before and as a prior condition of their appropriating to the supply of the district included within the limits of the Act of 1865 or this Act any of the waters of the Scotland Beck the Low Well Beck and the Baton Bridge Beck or any of them continue to cause to flow down from and out of their reservoirs into the said Scotland Beck immediately below the embankment of the lowest of their reservoirs on such beck the daily quantity of compensation water specified in section 30 of the Act of 1865 at the times and in the manner in that section mentioned and to maintain the gauge required to be constructed and maintained by the 31st section of the same Act and subject to the provisions herein-after contained and except so far as they are altered or varied thereby all the rights and remedies given or reserved to the owners and occupiers of mills manufactories and works interested in the said compensation water and to the undertakers of the Aire and Calder Navigation or any of them by sections 30, 31, 32 and 34 of the Act of 1865 shall remain in full force and effect: Provided that if at any time the said gauge shall be out of repair or shall not be in good working order and condition and the Company fail after seven days notice thereof given to them by or on behalf of the occupier of any of the said mills manufactories or works or by or on behalf of the said undertakers to repair or restore the same it shall be lawful for the owners or

Provision as to compensation water.

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occupiers of the said mills manufactories and works and for the said undertakers or any of them to repair the said gauge or to put the same in working order and condition as the case may require and to recover the expense of so doing with full costs of suit from the Company in any court of competent jurisdiction: And provided further that in lieu of the penalty mentioned in section 32 of the Act of 1865 the Company shall in case of their failure neglect or default to cause to flow or be discharged down the said Scotland Beck the daily quantity of compensation water herein-before referred to forfeit and pay as liquidated damages to the occupiers of the mills manufactories and works interested in the said compensation water as aforesaid and to the said undertakers the sum of five pounds for every day on which such failure neglect or default shall occur such sum to be recoverable from the Company by such occupiers or the said undertakers or any one of them on behalf of himself and other occupiers and the said undertakers with costs of suit in any court of competent jurisdiction and notwithstanding anything in the last-mentioned section contained the Company shall not be liable to pay any further or additional compensation to the said occupiers or the undertakers or any of them in respect of any loss damage or injury which they or any of them may sustain incur or be put to in consequence of such failure neglect or default as aforesaid beyond the said daily sum of five pounds which said sum shall be taken to be in full satisfaction of all such claims.

Power for
Company to
raise further
capital.

17. The Company from time to time may (subject to the provisions of Part II. of the Companies Clauses Act 1863) raise any additional capital not exceeding in the whole twelve thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Incidents of
shares or
stock.

18. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects except as to the limitation of dividend as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

The capital in new shares or stock so created shall form part of the capital of the Company. A.D. 1885.

19. Subject to the limitation of dividend in this Act contained every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

20. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares or stock.

21. Subject to the provisions of the Act of 1865 and of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by the said Act of 1865 and this Act respectively authorised to raise by the creation and issue of new shares or stock. New shares or stock raised under the Act of 1865 and this Act may be of same class.

22. The Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company. New shares to be offered by auction or tender.

23. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale. Purchase money of capital sold by auction to be paid within three months.

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As to notice
to be given
as to sale &c.
of shares.

24. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the urban sanitary authority of the district of Horsforth and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two successive weeks in one or more Leeds newspapers or other local newspapers circulating in the said district.

Shares not
sold by
auction or
tender to be
offered to
shareholders.

25. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock in the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock.

Application
of premium
arising on
issue of
shares or
stock.

26. Any sum of money which shall arise from the issue of any shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending and improving the works of the Company or in cancelling debenture stock or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to
borrow.

27. The Company may in respect of the additional capital of twelve thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any further sum not exceeding in the whole three thousand pounds and of that sum they may borrow not exceeding seven hundred and fifty pounds in respect of each three thousand pounds of their said additional capital but no part of any such sum of seven hundred and fifty pounds shall be borrowed until shares for so much of the said sum of three thousand pounds of additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of

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such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said portion of capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

28. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

29. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed six pounds ten shillings per centum per annum and the prescribed rate of dividend on any new preference shares or stock created under the powers of this Act shall not exceed six pounds per centum per annum on the amounts actually paid up in each case: Provided that when in any year the full prescribed rate of dividend on any such new ordinary shares or stock as aforesaid shall be declared six pounds per centum per annum only shall be payable and paid to the persons entitled to such dividend and the remaining ten shillings per centum per annum shall be carried to a reserve fund.

Rate of dividend on new shares or stock.

30. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum rate of dividend to which each class of ordinary stock or shares in the capital of the Company is entitled a proportionate deduction shall be made in the dividend of each class.

Dividends on different classes of stock or shares to be paid proportionately.

31. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

Debenture stock.

A.D. 1885. but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1865 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of principal moneys secured by existing mortgages.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act.

As to priority of mortgages and debenture stock.

33. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividend on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys raised under this Act.

34. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for purposes only of this Act or of the Act of 1865 and being purposes to which capital is properly applicable.

Supply of water by measure.

35. The Company may if they think fit enter into agreements for the supply of water by measure within the limits of supply to any person and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the price of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

36. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

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 Company to keep meters &c. in repair.

37. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Company.

Register of meters &c. to be evidence.

38. The Company may from time to time by agreement supply any corporation sanitary authority company or person within or without the limits of supply with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Company and such corporation authority company or person but notwithstanding any such agreement no such corporation authority company or person shall be entitled to such a supply whenever and as long as the Company are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Act and the Act of 1865 and every such agreement shall be by virtue of this Act determinable by the Company on one month's notice in writing.

Water supplied by agreement.

39. The Company shall when thereunto required by the urban sanitary authority of the district of Horsforth supply the said sanitary authority with water for watering streets flushing sewers and other sanitary purposes at the rate of ninepence per thousand gallons.

As to supply of water for sanitary purposes.

40. If at any time the Company obtain a certificate from an inspector to be appointed for that purpose by the Local Government Board that Work No. 7 is completed section forty-six of the Horsforth Waterworks Act 1865 shall be repealed and in lieu thereof the following section shall be enacted as from the date of that certificate :

Repeal of section 46 of Act of 1865 and substitution of new provisions.

The Company shall at the request of the owner or occupier of any house in any street in which any service pipe of the Company shall be laid or of any person who under the provisions of this Act or the Act of 1865 or any Act incorporated therewith respectively shall be entitled to demand a supply of water

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for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at any rate which may be agreed upon between the Company and such owner occupier or other person not exceeding ten pounds per centum per annum upon the gross estimated rental appearing in the valuation list in force at the commencement of the quarter in which the water rate accrues of any such house where that rental shall be under ten pounds and not exceeding seven pounds ten shillings per centum per annum where that rental shall be ten pounds or more than ten pounds : Provided always that the Company shall not be obliged to supply any house for less than eight shillings and eightpence per annum : Provided also that the Company shall not be obliged to supply any house the gross rental of which is ten pounds or more than ten pounds for less than one pound per annum.

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

41. Section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Act and the Act of 1865 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 therefrom.

Regulations
for prevent-
ing waste
of water.

42. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and amongst other things may by such regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves cisterns and other similar apparatus or receptacles to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation
of regula-
tions.

43. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same : And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

44. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

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Regulations
subject to
provisions
of the Public
Health Act
1875.

45. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Publication
of regula-
tions.

46. A printed copy of any such regulations dated and purporting to have been made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Evidence of
regulations.

47. In case of failure of any person to observe such regulations as are for the time being in force the Company may (notwithstanding any contract or otherwise) if they think fit after fourteen days notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock ferrule cistern or other similar apparatus or receptacles belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them summarily.

For enforcing
regula-
tions.

48. In the event of any dispute between the Company and any person as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Disputes to
be deter-
mined by
justices.

49. 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 Company to any other of such tenements unless the tenant or occupier so taking or using the

Supply of
water to
tenements
in a row.

[Ch. clix.] *Horsforth Waterworks Extension* [48 & 49 VICT.]
Act, 1885.

A.D. 1885. water be in respect of the tenement so occupied by him rated for a supply of water under this Act or the Act of 1865.

Liability to
water rate
not to dis-
qualify
justices
from acting.
Expenses of
Act.

50. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act or of the Act of 1865 by reason of his being liable to the payment of any water rate or other charge under this Act or the Act of 1865.

51. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

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