



CHAPTER lxxvii.

An Act to empower the Corporation of Ripon to make additional Waterworks and to make better provision for the regulation of their Markets and Fairs and for the Health and Local Government of the City and for other purposes. [25th June 1886.]

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WHEREAS the city of Ripon in the west riding of the county of York is under the government of the mayor aldermen and citizens of the city of Ripon (in this Act referred to as the Corporation) subject and according to the provisions of the Municipal Corporations Act 1882 and they are also the urban sanitary authority for the city:

And whereas the Corporation have in accordance with the provisions of the Public Health Act 1875 or other the Sanitary Acts then in force established waterworks and are now supplying the city with water but such supply is inadequate to meet the existing and growing demands of the inhabitants of the city and it is expedient that the Corporation be empowered to acquire the further supply of water and to construct the additional waterworks by this Act authorised:

And whereas it is expedient that the Corporation be authorised to raise further money by borrowing and that their powers in relation to their markets and fairs and to the health and local government of the city be in other respects extended:

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of fifteen thousand pounds:

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

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And whereas an absolute majority of the whole number of the members of the council at a meeting held on the fourteenth day of October one thousand eight hundred and eighty-five after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Ripon Gazette a local paper published or circulating in the city 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 district fund and general district rate of the city :

And whereas such resolution was published twice in the Ripon Chronicle a newspaper published and circulating in the city 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 members of the council at a further special meeting held in pursuance of a similar notice on the fourth day of January one thousand eight hundred and eighty-six being no less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the city by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act 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 required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the liberty of Ripon and with the clerk of the peace for the west riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

Preliminary.

Short title.

1. This Act may be cited as the Ripon Corporation Act 1886.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts) ;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act 1863;

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 such provisions shall apply only to the reservoirs by this Act authorised.

3. The several words and expressions to which by the Public Health Act or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction: Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the Company” means the Corporation;

“The railway” means the reservoirs by this Act authorised to be constructed;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs:

And in this Act unless the context otherwise requires—

“The Corporation” means the mayor aldermen and citizens of the city of Ripon;

“The city” means the city of Ripon;

“The council” means the council of the city;

“The medical officer of health” means the medical officer of health of the city;

“The district fund” and “the general district rate” mean the district fund and general district rate of the city;

“The Public Health Act” means the Public Health Act 1875 and any Act amending the same:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts 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.

4. The limits of this Act for the supply of water shall be the city and the townships of Ripon Aismunderby-with-Bondgate Sharow Copt Hewick Bridge Hewick Givendale Newby-with-Mulwith Skelton Whitcliffe-with-Thorpe Bishopton Studley Roger Lindrick-with-Studley-Royal and Fountains Aldfield Grantley and North Stainley-with-Sleningford all in the west riding of the county of York.

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Interpretation of terms.

Water limits.

Act to be
executed by
Corporation.

5. This Act shall be carried into execution by the Corporation acting by the council.

Water.

Power to
make water-
works.

6. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks and other works following (that is to say) :—

(1.) A reservoir (in this Act called the Lumley reservoir) on the Holborn beck commencing in the townships of Grantley and Laverton (detached) and to be formed by an embankment to be placed across the said beck and which reservoir will extend from the embankment up the said beck and terminate in the townships of Skelden and Azerley.

(2.) A conduit or line of pipes commencing in the Lumley reservoir and terminating in the service reservoir next hereinafter described.

(3.) A service reservoir situate in the field numbered 64 on the tithe commutation map for the township of Studley Roger.

(4.) A conduit or line of pipes commencing in the service reservoir lastly hereinbefore mentioned and terminating by a junction with the 12-inch main of the Corporation in Coltsgate Hill in the city.

Together with all necessary and proper embankments bridges roads ways wells tanks basins gauges filters dams sluices weirs outfalls syphons pipes adits shafts borings tunnels aqueducts culverts cuts channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same.

Power to
take lands
and waters.

7. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purpose of their waterworks collect impound take use get and appropriate the waters from the Holborn beck and all tributaries thereof which flow into the Holborn beck above the Lumley reservoir and from all springs and streams that may be intercepted collected or impounded by the Lumley reservoir and all waters found in on or under any of the lands acquired by them.

Power to
deviate.

8. In constructing the waterworks and other works by this Act authorised or any of them the Corporation may deviate laterally

from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of the Lumley reservoir and service reservoir by this Act authorised and five feet upwards or downwards in respect of any other work: Provided always that the height of the embankment of the Lumley reservoir as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid. A.D. 1886.

9. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease to be exercised except as to such of them or so much thereof respectively as is then completed. Time for completion of works.

10. With respect to the water to be taken and the compensation water to be afforded by the Corporation the following provisions shall have effect (that is to say):— Compensation water

(1.) The Corporation shall before taking for the purpose of supply any water from the Holborn beck or any other springs streams or waters which they are by this Act authorised to take discharge into that beck from the Lumley reservoir at least one hundred thousand gallons of water per day.

(2.) The Corporation shall before taking for the purpose of supply any water from the Holborn beck or any other springs streams or waters as aforesaid construct and for ever thereafter maintain in good working order and condition within a distance of two hundred yards from the foot of the embankment of the Lumley reservoir a suitable measuring gauge over or through which the compensation water shall flow or be discharged and such other works as shall be necessary to carry into effect the provisions of this section; and the gauge and works shall be respectively open to the inspection and examination of the owners lessees and occupiers of the several mills and works interested in such water and situate on the Holborn beck the River Laver from the point where that beck runs into the River Laver to the point where that river runs into the River Skell and the River Skell from the last mentioned point to where the River Skell runs into the River Ure.

(3.) If the Corporation shall wilfully or after written notice negligently fail to send down compensation water in manner by this section provided the Corporation shall for and during

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every day on which such failure shall occur forfeit and pay by way of penalty a sum not exceeding the sum of five pounds to the occupier of any mills and works situate within the limits in the last sub-section mentioned and who shall have actually suffered damage or loss by reason of such failure.

- (4.) The provisions of this section shall be accepted and taken by all persons and companies interested as full compensation for all water the Corporation may or can at any time collect divert impound and abstract from the beck streams springs and waters authorised by this Act to be taken for the purpose of their waterworks.

For the protection of the North Eastern Railway Company.

11. Whereas the North Eastern Railway Company (in this section called "the Railway Company") are the proprietors of the River Ure navigation to Ripon including the cuts and canals belonging thereto (all included in the expression "the navigation" hereinafter used) and the navigation is dependent for its supply of water upon the River Skell and the River Laver and other streams some of the waters of which may be taken and appropriated by the Corporation under the powers of this Act: Therefore the following provisions for the protection of the Railway Company shall have effect:

- (1.) The gauge and works mentioned in sub-section (2) of the section of this Act with the marginal note "compensation water" shall be respectively open to the inspection and examination of the Railway Company.
- (2.) In the case of failure neglect or default by or in consequence of which the water by this Act required to be discharged into the Holborn beck shall not be so discharged the Corporation shall for every day on which such failure neglect or default shall occur forfeit and pay a penalty of five pounds to the Railway Company and shall in addition make compensation for any loss damage or injury which the Railway Company shall or may sustain incur or be put to and in respect of which such penalties may be an insufficient compensation and the Railway Company may from time to time recover such compensation with costs from the Corporation in any court of competent jurisdiction.

And with respect to mains pipes or other works crossing or affecting the railway or works or property of the Railway Company the following provisions shall have effect:

- (3.) Any mains pipes or other works of the Corporation now existing or which the Corporation may hereafter lay down or execute under over or across or which may affect the railway navigation works or property of the Railway Company shall be laid down executed and subsequently maintained and

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repaired by the Corporation at such times as may be reasonably required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Railway Company and except in cases of emergency in accordance with plans and sections previously submitted to and approved of by him.

(4.) The said mains pipes and works shall be so laid down executed maintained repaired and used by the Corporation as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway navigation and works.

(5.) The Corporation shall at all times keep the Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway or navigation may sustain or incur by reason or in consequence of the laying down maintaining and using any mains pipes or other similar works of the Corporation.

12. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

13. The Corporation may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding five acres in addition to the lands which they are authorised by this Act to take by compulsion but such lands shall not be used for any building except buildings required for or used in connection with the water undertaking of the Corporation.

Power to take additional lands by agreement.

14. 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 Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to take easements, &c., by agreement.

15. The Corporation on selling any lands acquired for or in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights, &c., on sale.

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Proceeds of sale of surplus lands to be treated as capital.

16. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and may be applied for any purpose for which money borrowed under this Act is applicable or in discharge of any moneys borrowed for any purpose by the Corporation and any moneys so discharged shall not be reborrowed.

Restriction on taking houses of labouring class.

17. The Corporation 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 partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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.

Supply regulated by gravitation.

18. After the service reservoir shall have been completed and used the Corporation shall not be bound to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from that reservoir.

Existing waterworks of Corporation and works authorised by the Act to form one undertaking.

19. The existing waterworks of the Corporation together with all lands buildings mains pipes fixtures fittings apparatus and effects in connection therewith and all existing rights powers and privileges of the Corporation in relation to the supply of water and the debt and liabilities incurred in respect thereof shall together with the works and undertaking authorised by this Act form one undertaking and such undertaking is in this Act referred to as the water undertaking.

Provisions for sale of portions of undertaking to sanitary authorities.

20. If at any time after the passing of this Act any sanitary authority whose district or any part thereof is beyond the city but within the water limits shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the water undertaking of the Corporation as is contained within such district and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Corporation (except the lands streams waters waterworks

mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the water limits) and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase be granted the Corporation shall sell and such sanitary authority shall purchase such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts: Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within such district shall cease and determine. The proceeds of any sale under this section shall be applied by the Corporation towards the extinguishment of any loan raised under the powers of this Act or the Public Health Act such extinguishment to be in addition to and not in substitution for the other provisions for that purpose contained in those Acts.

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21. The rights of fishing fowling and sporting in and over so much of the Lumley reservoir as is situate on lands now belonging to the most Honourable the Marquis of Ripon are hereby exclusively reserved to the said Marquis and his heirs and assigns and all persons authorised by him or them in that behalf and for that purpose they shall have free access over any lands belonging to the Corporation to the part of the reservoir aforesaid and may place and use a boat upon the same:

Reservation of the Marquis of Ripon's rights of fishing and sporting.

Provided nevertheless that rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and do all such acts and things as may be necessary for cleansing repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

22. The Corporation shall supply with water the most Honourable the Marquis of Ripon and other the owner for the time being of Studley Royal (in this section referred to as the Marquis) upon the terms and according to the provisions following (that is to say):—

Supply of water to Studley Royal and farm.

(1.) The Corporation shall supply the Marquis with as much water as he may from time to time require for the domestic use of Studley Royal and the farmhouses and cottages at Lindrick and Mallard Grange:

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- (2.) The Corporation shall deliver such supply of water from their conduit or line of pipe No. 2 by this Act authorised at some convenient point through the meter hereinafter mentioned into a pipe to be laid and maintained by and at the expense of the Marquis at such a level as will enable the Corporation to deliver the water into such pipe by gravitation from the Lumley reservoir :
- (3.) The supply of water under this section shall commence within two months from the receipt by the town clerk of a request in writing under the hand of the Marquis or his agent provided that the Corporation are at that time taking water from the Lumley reservoir and supplying the city therewith :
- (4.) For ascertaining the quantity of water supplied under this section a meter shall at the cost of the Corporation be provided fixed and maintained at the point of delivery and the agents and servants of the Marquis shall have free access at all times to the said meter for the purpose of inspecting the same and recording the register thereof and the Marquis shall pay rent for such meter at the same rate as may be in force in the city :
- (5.) The Marquis shall pay to the Corporation for the supply of water under this section the maximum sum of sixpence per thousand gallons and the accounts of such supply shall be made up and paid for quarterly :
- (6.) In case of deficiency in the supply of water from the Lumley reservoir the supply under this section shall be given in priority of the supply to the consumers within the water limits except those of the city and in regard to them the supply to the Marquis shall be proportionately with the supply to the city consumers :
- (7.) Provided that nothing herein contained shall oblige the Corporation to supply water under this section except so long as they are supplying the city with water from the Lumley reservoir.

23. For the protection of the Right Honourable John Richard Brinsley Baron Grantley the following provisions shall have effect:—

The rights of fishing fowling and sporting in and over so much of the Lumley reservoir as is situate on lands now belonging to the Right Honourable John Richard Brinsley Baron Grantley are hereby exclusively reserved to the said Lord Grantley and his heirs and for that purpose he and they and any persons authorised by him or them shall have free access over any lands belonging to the Corporation to the part of the reservoir aforesaid and may place and use a boat upon the same :

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Provided nevertheless that rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and do all such acts and things as may be necessary for cleansing repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

24. The Corporation shall supply with water the Right Honourable John Richard Brinsley Baron Grantley and other the owner for the time being of Grantley Hall (in this section referred to as Lord Grantley) upon the terms and according to the provisions following (that is to say) :—

Supply of
water to
Grantley Hall
and farm.

- (1.) The Corporation shall supply Lord Grantley with as much water as he may from time to time require for the domestic use of Grantley Hall and the farm house known as Sunley Rains.
- (2.) The Corporation shall deliver such supply of water from their conduit or line of pipe No. 2 by this Act authorised at some convenient point through the meter hereinafter mentioned into a pipe to be laid and maintained by and at the expense of Lord Grantley at such a level as will enable the Corporation to deliver the water into such pipe by gravitation from the Lumley reservoir.
- (3.) The supply of water under this section shall commence within two months from the receipt by the town clerk of a request in writing under the hand of Lord Grantley or his agent provided that the Corporation are at that time taking water from the Lumley reservoir and supplying the city therewith.
- (4.) For ascertaining the quantity of water supplied under this section a meter shall at the cost of the Corporation be provided fixed and maintained at the point of delivery and the agents and servants of Lord Grantley shall have free access at all times to the said meter for the purpose of inspecting the same and recording the register thereof.
- (5.) Lord Grantley shall pay to the Corporation for the supply of water under this section the sum of sixpence per thousand gallons and the accounts of such supply shall be made up and paid for quarterly.
- (6.) In case of deficiency in the supply of water from the Lumley reservoir the supply under this section shall be given in priority

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of the supply to the consumers within the water limits except those of the city and in regard to them the supply to Lord Grantley shall be proportionately with the supply to the city consumers.

(7.) Provided that nothing herein contained shall oblige the Corporation to supply water under this section except so long as they are supplying the city with water from the Lumley reservoir.

Lumley reservoir and lands not to be used for boating or recreation purposes.

25. Subject to the sporting and fishing rights by this Act reserved the Lumley reservoir and lands surrounding the same acquired by the Corporation shall not be used for boating or recreation purposes.

Rates for water supply.

26. The Corporation may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following (that is to say) :—

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

Where such rateable value shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds ;

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

Where such rateable value shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ;

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

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds :

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

Rates for water-closets and private baths.

27. In addition to the rates computed as above specified the Corporation may charge for a second water-closet and for any private bath in any private dwelling-house or part of such dwelling-house or appurtenance thereto the following rates (that is to say) :—

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

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

When the rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum; A.D. 1886.

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

And for every additional water-closet beyond the second and for every additional bath beyond the first the sum of five shillings a year respectively.

28. The rateable value shall for the purposes of the last two preceding sections be ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor: Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid. The apportionment in case of dispute to be determined by two justices. Definition of rateable value.

29. The Corporation may demand and take for a supply of water for domestic purposes beyond the city increased water rents and charges but so that the same do not exceed by more than twenty-five per centum the rates and charges hereinbefore by this Act authorised: But such increased water rents and charges shall only be demanded and taken when and so long as the revenue of the water undertaking is insufficient for the payment of the charges thereon. Increase of water rents beyond the city.

30. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Corporation or with the defaulting consumer to pay the arrears but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do. Incoming tenant not to be liable for arrears of water rent except by express agreement.

31. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect namely:— Regulations for preventing waste of water.

(1.) The Corporation may from time to time make such bye-laws as they think expedient for the objects aforesaid to be observed by persons supplied with water; but such bye-laws shall take effect only within the district in which the Corporation are bound to afford and do in fact afford a constant supply;

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(2.) The Corporation may by any such bye-laws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connection disconnection alteration and repair of pipes valves cocks tanks cisterns baths soil-pans water-closets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water ;

(3.) In case of the failure of any person to observe any bye-laws for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable.

Power for
Corporation
to cut off
supply.

32. If and whenever any house building or premises which shall have been supplied with water by the Corporation shall be unoccupied the Corporation their agents servants or workmen may cut off such supply after giving twenty-four hours' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Corporation by affixing the same for three days on some conspicuous part of such house building or premises.

Public
drinking
fountains.

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

Charges for
supply of
water for

34. The Corporation may supply water within the water limits for purposes other than domestic purposes by meter or otherwise

and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Corporation and the person requiring the supply and the moneys payable for the supply shall be recoverable as water rates are recoverable under the Waterworks Clauses Act 1847 and sections 68 to 74 (both inclusive) of that Act shall have effect accordingly: Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

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other than domestic purposes.

35. Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a month the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

Rate payable by owners for small houses.

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

Supply to houses partly used for trade, &c.

37. The Corporation may from time to time agree with any sanitary authority or public body company or person for the supply by the Corporation to the authority public body company or person either within or beyond the water limits of water in bulk but the Corporation shall not under any such agreement supply water so as to interfere with a proper supply for all purposes to the inhabitants of the city.

Powers for agreements with sanitary authorities, &c.

38. The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows:—

Application of water revenue.

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Corporation;

In payment of the interest upon money borrowed by the Corporation for their existing waterworks;

In payment of the interest upon money borrowed under this Act;

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In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by the Corporation for their existing waterworks and in respect of money borrowed under this Act;

And shall carry to the district fund any balance remaining in any year.

Deficiency of funds of waterworks.

39. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the city may include therein such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rates.

Markets and Fairs.

Limits of markets and fairs.

40. The limits of the markets and fairs of the Corporation shall be the city.

Bye-laws as to markets and fairs.

41. The Corporation may from time to time make bye-laws specifying and defining the streets and open spaces or parts thereof respectively in which the markets and fairs of the Corporation shall be held or in which any particular market or fair of the Corporation shall be held and may by any such bye-law specify and define the goods animals and articles which may be brought or delivered upon or into any market or fair of the Corporation and any person who shall contravene any provision made by any such bye-law shall be liable for every offence to a penalty not exceeding forty shillings.

Power to take tolls.

42. The Corporation may notwithstanding any right custom or privilege to the contrary demand and take the tolls stallages and rents in respect of their markets and fairs not exceeding those specified in the first schedule to this Act.

Infectious Diseases.

Definition of infectious disease.

43. "Infectious disease" means and includes small pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious.

Notice to be given of persons suf-

44. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation

who is suffering from any infectious disease the following provisions shall take effect (that is to say):—

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—
suffering from
infectious
disease.

(1.) If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office;

(2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person;

(3.) The Corporation shall provide and supply gratuitously to every legally qualified medical practitioner resident or practising in the city who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the forms set forth in the second schedule to this Act;

(4.) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering;

(5.) The Corporation shall pay to every legally qualified medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;

(6.) And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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Other diseases may be declared to be within the foregoing provision.

45. The Corporation may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act:—

(1.) Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the city and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;

(2.) The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;

(3.) The Corporation shall immediately after any such order shall have been made send a copy thereof to each legally qualified medical practitioner residing in the city but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish lists of customers in certain cases.

46. Whenever it shall be certified to the Corporation by the medical officer of health or other legally qualified medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the city and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every day during which the offence is continued.

Further powers in relation to disinfection of premises.

47. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate

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any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section: And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the obstruction continues.

48. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

49. No person shall without the sanction in writing of the medical officer of health or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

Prohibiting the retention of dead bodies in certain cases.

50. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

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of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Justices may in certain cases order dead bodies to be buried.

51. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

52. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Temporary shelter &c.

53. The Corporation may from time to time provide temporary shelter or house accommodation for the members of any family in

which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and may further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the city and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

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54. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the markets or fairs or the dairies milkstores or milkshops to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Saving for
general Acts
relating to
dairies
animals &c.

Borrowing Powers.

55. The Corporation may from time to time borrow for the purposes of and in manner provided by this Act any sum or sums not exceeding the sum of fifteen thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act and the Corporation may mortgage the revenue of their water undertaking and the district fund and general district rate (or either of those securities) to secure the repayment of the moneys borrowed with interest.

Power to
borrow for
purposes of
Act.

The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

56. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of

Certain
regulations
of Public

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[Ch. lxxvii.]

Ripon Corporation Act, 1886.

[49 & 50 Vict.]

Health Act
as to bor-
rowing not
to apply.

Provisions
of Public
Health Act
as to mort-
gages to
apply.

Payment off
of money
borrowed.

Power to
borrow under
Local Loans
Act 1875.

Power to
re-borrow.

the Public Health Act and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

57. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

58. The Corporation shall pay off all money borrowed by them under the powers of this Act within forty-five years from the time or respective times of borrowing the same by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act (as amended by the Local Loans Sinking Fund Act 1885) shall apply accordingly :

Provided that having regard to the sinking fund liabilities in respect of the debt incurred by the Corporation for their existing waterworks the Corporation shall not be required to commence the payment off of the sum of fifteen thousand pounds authorised to be borrowed under this Act or any part thereof until the expiration of ten years from the passing of this Act :

Provided further that any moneys borrowed by the Corporation beyond the sum of fifteen thousand pounds under this Act shall be repaid within such period as the Local Government Board may think fit to sanction.

59. The local board may if they think fit borrow any moneys which they are by this Act authorised to borrow 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.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the period and in manner prescribed by this Act.

60. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or

premiums on leases they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

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61. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection
of lender
from inquiry.

62. The town clerk of the city shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year 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 and the 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 town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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

Application
of money
borrowed.

63. Money borrowed by the Corporation under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Saving
priority of
existing
charges.

64. All charges on the property revenues and rates of the Corporation existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Corporation under the powers of this Act.

Miscellaneous.

Bye-laws to
be made in
accordance
with Public
Health Act.

65. All bye-laws made by the Corporation under this Act shall be made under and according to the provisions with respect to bye-laws contained in sections 182 to 187 both inclusive of the Public Health Act.

Street
musicians to
depart when
required to
do so.

66. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Penalty on
persons
obstructing
footway.

67. If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Powers of
Act cumu-
lative.

68. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not passed.

Expenses of
Act.

69. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed on the security thereof under the powers of this Act.

THE FIRST SCHEDULE.

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MARKET AND FAIR TOLLS.

For every butcher's stall one shilling and sevenpence on Thursdays and one shilling and one penny on Saturdays.

For every other stall whereon any merchandise wares or other things may be offered for sale (except a clothier's stall) one penny a foot in length for a stall five feet wide.

For ground stands for the sale of pots and other similar articles in the pot market one penny per square yard.

For timber three shillings and sixpence and for stack covers one shilling and sixpence.

If a stall be set one penny a foot.

For every ordinary cart with potatoes fruit vegetables and garden produce exposed for sale threepence and for every boat cart or wagon with such articles fourpence.

For every sack of potatoes one penny and for every bag one halfpenny.

For every heap of brooms offered for sale one penny.

For every basket of fruit or vegetables one penny and for every hamper of such articles twopence.

For goods exposed for sale on the ground by hawkers in the space occupied by the corn market after that market is over twopence from each hawker.

For every horse and beast entering the market for sale one penny.

For every pen of sheep in the market one shilling and sixpence and for sheep not penned one halfpenny each.

For every pig if sold a halfpenny.

For every goose turkey and guinea fowl a halfpenny.

For every weigh of wool sixpence.

For every sale by auction in the market place sixpence.

PLACES OF AMUSEMENT.

For every show caravan exhibition booth tent theatre swing roundabout rifle gallery stall stand or other place or means of amusement or entertainment such sum as the Corporation may determine according to the nature of the exhibition and the extent and position of the space occupied by it.

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THE SECOND SCHEDULE.

CERTIFICATE OF DISEASE.

RIPON CORPORATION ACT, 1886.

To the Corporation of the City of Ripon.

* Here specify the disease.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from* being an infectious disease within the terms of section of the above-named Act.

Dated this day of 18 .

(Signed)

Name of person suffering from the disease.

Situation of the building wherein such person is.

Name of occupier or other person having the charge management or control of the building or room.

NOTE.—This Certificate must (under a penalty in case of neglect of forty shillings) be forthwith sent to the Medical Officer of Health of the Corporation at the Corporation Offices in Ripon.