



CHAPTER cliv.

An Act to empower the Hexham Local Board to make Waterworks and supply Water and for other purposes. A.D. 1888.

[7th August 1888.]

WHEREAS the township of Hexham in the parish of Hexham in the county of Northumberland is governed for local purposes by the Hexham Local Board (in this Act called "the Local Board"):

And whereas the present supply of water within the district of the Local Board (in this Act called "the district") is inadequate and it is expedient that the Local Board should be authorised to acquire an additional supply and construct additional works:

And whereas the waters to be taken for the purpose of such supply are situate on land known as the Hexhamshire Stinted Pasture (No. 2) which is common to the townships of West Quarter Middle Quarter and High Quarter in the parish of Hexham and over which the stint-holders of the said last-mentioned townships have certain stint or common rights and it is expedient that provisions such as in this Act contained should be made with reference thereto:

And whereas it is expedient that the Local Board should be authorised to raise further money by rates and by borrowing for the purposes of this Act:

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

And whereas estimates have been prepared by the Local Board for the purchase of land water and water rights for and the execution of the waterworks by this Act authorised and such estimates amount to ten thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the tenth day of November one thousand eight hundred and eighty-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Hexham Courant" a local paper

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published or circulating in the district 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 rates of the district :

And whereas such resolution was published twice in the "Hexham Courant" a newspaper circulating in the district 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 Local Board at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the third schedule to the Public Health Act 1875 for the adoption of that Act consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the line situation and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of 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 the lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the clerk of the peace for the county of Northumberland and are in this Act 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) :—

Short title.

1. This Act may be cited as the Hexham Local Board (Water) Act 1888.

Incorporation of general Acts.

2. The following enactments namely :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (hereinafter referred to as the Lands Clauses Acts) ;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in the 44th section thereof) ;

The Waterworks Clauses Act 1863;

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The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands; so far as the same respectively are applicable for the purposes of and not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act:

But the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of land incorporated with this Act shall apply only to the construction of the reservoir by this Act authorised.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpretation.

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

“Water revenue” means all moneys received by the Local Board in respect of water supply on revenue account;

“The water undertaking” means the existing waterworks mains and pipes of the Local Board and includes the waterworks mains and pipes by this Act authorised to be constructed or laid by the Local Board and the lands wells and water-rights acquired for the purposes thereof;

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

The several words and expressions to which by 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:

For the purposes of this Act in enactments incorporated with this Act—

“The Undertakers” or “the Company” means the Local Board: In the Railway Clauses Consolidation Act 1845 for the purposes of this Act—

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

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

In this Act and for the purposes of this Act in enactments incorporated herewith—

“Superior courts” or “court of competent jurisdiction” or any other like expression shall be read and have effect as if the

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debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Act to be
executed by
Local Board.

4. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts and those Acts shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts so far as the same shall be applicable thereto and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Power to
take water.

5. Subject to the provisions of this Act the Local Board may take collect impound use divert and appropriate for the purposes of their water undertaking the water of the springs known as the Ladle Wells or Springs which arise on or issue from the said lands known as Hexhamshire Stinted Pasture (No. 2) which wells or springs are situate about one mile and thirty-nine chains measured in a south-westerly direction from Westburnhope farm house and of other springs in the same Stinted Pasture (No. 2) situate at a distance of one mile and five chains or thereabouts measured in a southerly direction from the said farm house and all other springs and waters upon under or arising in or flowing through any of the lands which the Local Board are authorised to purchase or take under the powers of this Act and the Local Board may divert such waters into their existing service reservoir or the reservoir authorised by this Act by means of the aqueducts and works described in and authorised by this Act.

Power to
make water
works.

6. Subject to the provisions of this Act the Local Board may make and maintain in the line and situation and upon the lands delineated on the deposited plans and according to the levels shown on the deposited sections all or any of the works shown on the deposited plans among which are the following principal works and 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 require for the purpose.

The following are the said principal works:—

1. An aqueduct conduit or line of pipes (No. 1) commencing on the said land known as Hexhamshire Stinted Pasture (No. 2) at the springs known as the Ladle Wells or Springs at a point about one mile and thirty-nine chains measured in a south-westerly direction from Westburnhope farm house

and terminating in the township of Hexham in and at the southern side of the existing service reservoir of the Local Board ;

2. A service reservoir to be situate in the south-eastern corner of a field or enclosure numbered on the ordnance map (scale $\frac{1}{2500}$) 721 in the township of Hexham nine chains or thereabouts to the west of High Shield House ;

3. An aqueduct conduit or line of pipes wholly in the said Stinted Pasture commencing at or near the said springs hereinbefore secondly described and terminating by a junction with the aqueduct conduit or line of pipes (No. 1) hereinbefore described at a point about one mile measured in a southerly direction from Westburnhope farm house aforesaid ;

together with all such filtering beds tanks engines wells drifts pipes culverts and other works as they may find requisite.

7. The Local Board may exercise a right of way for purpose of access to their works with horses and carts over the road known as the Intacks Way in the parish of Hexham between Dipton Road and Plover Hill Road. Access to works.

8. And whereas the said stinted pasture is or is reputed to be parcel of the regality or manor of Hexham of which Wentworth Blackett Beaumont is or claims to be the lord and as such owner of the soil of the said stinted pasture and of the mines minerals and quarries in and under the same Therefore the following provisions shall have effect for the protection of the said Wentworth Blackett Beaumont his heirs and assigns or other the lord or lords of the said regality or manor and owner or owners of the soil of the said stinted pasture for the time being (in this section referred to as "the owner") (that is to say) :— For the protection of Wentworth Blackett Beaumont.

(1) The Local Board shall not at any time under the provisions of this Act take collect impound use divert or appropriate in any one day of twenty-four hours a larger quantity of water than three hundred and fifty thousand gallons and such quantity of water shall be caused or permitted to flow through a measuring gauge suitable for that purpose such gauge to be constructed and for ever after maintained by and at the expense of the Local Board at some place to be approved by the owner and to be at all reasonable times open to inspection and examination by the owner.

(2) If any difference shall at any time arise between the owner and the Local Board as to the nature position sufficiency accuracy mode of construction or employment or state of repair of such gauge the same shall be determined by a competent engineer to be agreed upon between the Local Board and the

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owner or failing agreement to be appointed by the president for the time being of the Institution of Civil Engineers in London on the application of either of them and such engineer shall have power to give such orders and directions as he may see fit in order to ensure the due observance and performance by the said parties or either of them of the provisions of this section which orders and directions shall be duly observed and performed.

- (3) In case of any act or omission of the Local Board or their officers or servants in consequence of which the foregoing provisions of this section shall not be complied with the local board shall forfeit and pay to the owner by way of penalty a sum of not exceeding five pounds for every day on which such neglect or default shall occur but no such penalty shall accrue or be recoverable unless notice in writing shall have been given by the owner to the Local Board of the act or omission complained of within forty-eight hours of such act or omission being discovered.
- (4) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Local Board shall not enter upon take or use for any purpose or (except where it may be necessary to cross the same or for avoiding any land not belonging to the owner) lay any aqueduct conduit pipes or other apparatus or works in under or along or within fifty feet of the road made by the owner between the public road known as Lightside Road and the said stinted pasture or on the metalled part of the same road through the said stinted pasture except that they may use the said road for the purpose of access during the construction and laying and from time to time repairing of any of their works mains and pipes making good all damage occasioned by such user Provided that the owner shall grant to the Local Board the easement or right of laying maintaining renewing and repairing an aqueduct conduit or line of pipes with all needful stop-cocks meters and other apparatus through or under his land in such line and situation as may be agreed upon or failing agreement may be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 and the Acts amending the same and the amount to be paid by the Local Board to the owner in respect of such easement or right shall in default of agreement be determined by arbitration in like manner.
- (5) The Local Board shall not erect or construct upon the said stinted pasture any pump engine or other similar work or place thereon any works whatsoever except the aqueduct or line of pipes by this Act authorised and such other works as may be necessary for the collection and proper gauging of the water.

(6) All works in or upon any lands of the owner shall be completed within one year from the time when the Local Board first take possession of any part of such lands and at latest within two years from the passing of this Act. A.D. 1888.

(7) The Local Board shall if required supply water to the owner and his tenants for domestic and agricultural purposes at such points along and near the said aqueduct or line of pipes as shall be required by the owner but not at a greater elevation than the pressure in the pipes (which shall be iron pipes) will permit and at such prices as shall be agreed between the Local Board and the owner or failing agreement as may be determined by arbitration the owner being at the cost of making all connections and laying all service pipes and maintaining the same Provided that the water so required by the owner or his tenants shall be exclusive of the quantity hereinbefore authorised to be taken for the purposes of the Local Board and also that the quantity so required shall not exceed the capacity of the mains after the Local Board's supply is taken.

(8) Except as provided by this section the Local Board shall not supply water to be used for any purpose beyond the limits of their district except along the line of the said aqueduct.

(9) Notwithstanding anything in this Act contained the owner shall remain and be exclusively entitled to all rights of shooting sporting and fishing over and upon and in the said stinted pasture and the streams and waters thereon including any reservoir made thereon under this Act.

9. In constructing the waterworks by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and in the case of any aqueduct conduit or line of pipe placed underground beyond those limits with the consent of the persons through whose lands such deviation is proposed to be made 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 five feet upwards and seven feet downwards in the case of the reservoir and five feet upwards or downwards in respect of other works Provided always that the Local Board shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown in each case on the deposited sections. Power to deviate.

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As to
minerals
underlying
the reservoir.

10. If and whenever the owners lessees or occupiers of any minerals lying within forty yards of any portion of the lands which may be acquired under the powers of this Act for the purpose of the reservoir by this Act authorised shall be desirous of working the said minerals and shall give due notice thereof to the Local Board in manner provided by the Waterworks Clauses Act 1847 the Local Board may on receipt of such notice purchase the whole or such portion of the said minerals as may be required for the safety of their works at such price as may be agreed on between the Local Board and such owners lessees and occupiers or as failing agreement shall be settled by arbitration under the provisions of the Lands Clauses Acts.

Power to
purchase
additional
lands for
waterworks
purposes.

11. The Local Board in addition to the lands they are authorised to take under the compulsory powers of this Act may from time to time by agreement purchase and hold for the purposes of their water undertaking any land not exceeding in the whole five acres but the Local Board shall not use such land for any building purpose unconnected with their waterworks.

Persons
authorised to
convey land
may grant
easements.

12. The persons by the Lands Clauses Consolidation Act 1845 authorised to sell and convey or release lands may by agreement and subject to the provisions of such Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 grant to the Local Board for the purposes of this Act any easement (not being an easement of water) right or privilege in over or affecting the lands by this Act authorised to be taken and the provisions of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 with respect to land and rent-charges so far as the same respectively are applicable in that behalf shall extend and apply to such easements rights and privileges as aforesaid and to rent-charges reserved by grants of easements respectively.

Period for
compulsory
purchase of
lands.

13. The powers by this Act granted to the Local Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Limiting
common land
to be taken.

14. Notwithstanding anything in this Act or on the deposited plans the Local Board shall not purchase and take any greater quantity of the common or commonable land known as Hexhamshire Stinted Pasture (No. 2) than five acres.

As to taking
houses of
labouring
class.

15. The Local Board shall not under the powers of this Act purchase or acquire 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 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.

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16. The waterworks hereby authorised shall be completed within five years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this Act contained shall restrict the Local Board from extending enlarging altering or removing any of their tanks filters and engines machinery mains or pipes at any time or from time to time as occasion requires.

Period for completion of works.

17. Whereas certain of the works by this Act authorised will be constructed in lands belonging or reputed to belong to William Donaldson Cruddas the following provisions for the protection of the estate and interest of the said William Donaldson Cruddas his heirs and assigns (hereinafter referred to as "the owner") shall have full force and effect:—

For protection of William Donaldson Cruddas.

(1) The aqueduct No. 1 by this Act authorised instead of being made in the line shown on the deposited plans through the properties numbered on the said plans 720 721 823 823A 824 and 824B in the township and parish of Hexham shall be made from the south-east corner of the plantation so numbered 824B along the eastern boundary thereof as shown on the deposited plans to the south-east corner of the property so numbered 824 and from thence through the south-east corner of the said field numbered 721 and through the fields numbered 720 and 721 to the existing service reservoir of the Local Board in a situation approved by the owner.

(2) The Local Board shall not without the consent of the owner take for the purpose of the proposed service reservoir shown on the deposited plans in the said property numbered 721 any greater quantity of land than one quarter of an acre at the south-eastern corner of the said field numbered 721 and may use the said piece of land not exceeding one quarter of an acre for the purpose of forming a covered tank or service reservoir.

(3) If during the construction of the works by this Act authorised the Local Board shall cause any damage by cartage to the road known as the Intacks Road numbered on the said plans 824A in

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the said township and parish or if in the future maintenance of the said works the Local Board shall cause any such damage to the said road between the existing storage reservoir of the Local Board and the service reservoir to be made under the provisions of this Act they shall make compensation in respect thereof to the owner.

- (4) As from the date of completion of the works contemplated to be constructed on lands of the said William Donaldson Cruddas the Local Board shall pay to the owner annually one-fourth part of the cost of maintaining the said Intacks Road from the Plover Hill Road up to the existing storage reservoir of the Local Board and one-sixth part of the cost of maintaining the same road between the Dipton Road and the south-eastern end of the said proposed service reservoir.
- (5) Any difference which may from time to time arise between the Local Board and the owner with respect to any matter arising under the provisions of this section shall be referred to and determined by arbitration in accordance with the provisions of the Public Health Act 1875 relating thereto.
- (6) Nothing in this section shall be deemed to prejudice or affect any right of the owner to compensation in respect of lands or easements taken or prejudicially affected under the powers of this Act.

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

18. For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely :—

- (1) The Local Board may from time to time make regulations as to the construction and use of water fittings Provided always that any such regulations shall be subject to the approval of the Local Government Board and the Local Board shall cause a copy of the approved regulations to be published in some newspaper circulating in the district and shall on payment of such sum not exceeding two pence as they may demand furnish a copy of the same to any consumer of water who may require the same ;
- (2) The Local Board may by any such regulations as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement alteration and repair of pipes valves cocks tanks cisterns 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 in

their judgment 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 regulation for the time being in force the Local Board 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 fifteen of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such repair replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him as water rates are recoverable;

(4) A printed copy of the regulations purporting to have been made as aforesaid by the Local Board and to be sealed with the seal of the Local Board shall be taken to be proof of the due making publication and existence of such regulations until the contrary be shown and any person who shall offend against any such regulations shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor;

(5) Subject to the provisions of this section sections 182 and 184 of the Public Health Act 1875 shall mutatis mutandis extend and apply to and in relation to the making of such regulations.

19. The Local Board may if requested by any person supplied or about to be supplied by them with water furnish to him any such pipes valves cocks cisterns soil-pans water-closets apparatus and receptacles as are required for the purposes of such supply and from time to time repair or alter the same and may provide all materials and do all work necessary or proper in that behalf and the costs of providing such materials and executing such works shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the water rates or rents.

Power for
Local Board
to supply
pipes &c.

20. If and whenever any house building or premises which shall have been supplied with water by the Local Board shall be unoccupied the Local Board their agents servants or workmen after giving twenty-four hours' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual

Power for
Local Board
to remove
water pipes.

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place of abode or business be not known to the Local Board by affixing the same for three days on some conspicuous part of such house building or premises may enter into such house building or premises between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Local Board.

Public
drinking
fountains.

21. The Local Board 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 district as the Local Board 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 Local Board.

Rates for
supply of
water.

22. The Local Board may if they think fit (instead of charging in respect of their supply a water rate assessed under the Public Health Act 1875) demand and take for the supply of water for domestic purposes to any premises within the district 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 Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eight pence in any one year for every dwelling-house or part of a dwelling-house.

Rates for
water-closets
and private
baths.

23. In addition to the rates computed as before specified the Local Board may charge for every water-closet in any house or

premises beyond one water-closet any sum not exceeding seven shillings and sixpence and for every bath supplied with water in or belonging to any house any sum not exceeding fifteen shillings per annum The Local Board shall not be obliged to supply with water any bath containing more than fifty gallons.

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24. For the purpose of this Act the rateable value shall be the rateable value as ascertained by the valuation list for the township of Hexham 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 of that township :

Definition
of rateable
value.

Provided that where the water rent is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such annual 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 in manner provided by the 68th section of the Waterworks Clauses Act 1847 :

Provided also that if there shall be no valuation list in force at the time the owner or occupier of such dwelling-house or part of such dwelling-house shall demand a supply of water the Local Board may for the purposes of their water rate estimate the rateable value of such premises but on the assessment of such premises for poor rate purposes being entered in the valuation list the charge shall be adjusted accordingly.

25. The Local Board may supply water within the district 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 Local Board and the person requiring the supply Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would in the opinion of the Local Board interfere with the sufficiency of the supply of water for domestic purposes.

Charges for
supply of
water for
other than
domestic
purposes.

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

Rate payable
by owner
for small
houses &c.

27. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as

Where
several
houses sup-
plied by one
pipe each to
pay.

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they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Local Board by a distinct pipe Provided always that the Local Board shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Incoming tenant not to be liable for arrears of water-rate except by express agreement.

28. If any water consumer leave the premises to which water has been supplied without paying to the Local Board the water-rate or charges due from him the Local Board 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 Local Board or with the defaulting consumer to pay the arrears but the Local Board shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do.

Supply to houses partly used for trade &c.

29. The Local Board shall not be bound to supply with water otherwise than by measure any building used as a dwelling-house whereof any part is used for any profession or business or any part is used as a warehouse or for any trade or manufacturing purpose for which water is required.

Power to borrow and re-borrow.

30. The Local Board from time to time under the authority of this Act in addition to any moneys they are authorised to borrow under the Public Health Acts may borrow at interest on mortgage of the net revenue of the waterworks undertaking and also on mortgage of the district fund and general district rates leviable by the Local Board under the Public Health Acts or of any such securities either together or separately all such sums as they may from time to time think requisite for any of the purposes of this Act not exceeding ten thousand pounds and after having paid off otherwise than by instalments or by the sinking fund or out of the proceeds of the sale of surplus lands any moneys so borrowed may re-borrow the amount so paid off and so from time to time Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed Provided also that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan.

Certain regulations of Public Health Acts as to borrowing not to apply.

31. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Acts and in calculating the amount which the Local Board may borrow under the Public Health Acts any sums which they may borrow under this Act shall not be reckoned.

32. Any person lending money to the Local Board shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or any part thereof.

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Protection
to lenders
from inquiry
as to applica-
tion of
money.

33. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

Provisions as
to mortgages.

Section 236 (form of mortgage);

Section 237 (register of mortgages);

Section 238 (transfer of mortgages); and

Section 239 (receiver may be appointed in certain cases).

34. The Local Board shall pay off all money borrowed by them under the powers of this Act as follows (that is to say):—

Repayment
of borrowed
moneys.

1. Either by yearly or half-yearly instalments Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum;
2. Or by a sinking fund to be annually set apart and invested in such securities as are hereinafter prescribed and with the accumulations from time to time applied for that purpose;
3. And all such moneys shall be repaid within fifty years after the same shall have been borrowed;
4. And the annual sums to be set apart for any such sinking fund shall be such equal annual sums as with the accumulations thereof at compound interest calculated at the rate of three per cent. per annum will be sufficient to pay off the said principal sums in the said periods;
5. The first annual payment to any such sinking fund shall be made on the first day of January next following the date of the borrowing of the money in respect of which the sinking fund is provided.

35. The Local Board may from time to time apply the whole or any part of the sinking funds in or towards the discharge of the principal moneys for the discharge of which such funds respectively shall have been established Provided that they pay in each year into the fund so applied and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the sinking fund or part of the sinking fund so applied at the rate per cent. on which the payments to the sinking fund are based Provided

Application
of sinking
funds.

A.D. 1888.

also that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding and to be paid off by means of such fund the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Sinking fund
how to be
invested.

36. All sums paid into any sinking fund created by the Local Board under the provisions of this Act shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debentures debenture stock or annuity certificates issued under the powers of the Local Loans Act by any local authority other than the Local Board.

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

37. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be 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 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 1875 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 Local Board 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.

38. Nothing in this Act shall prejudice or affect any mortgages debentures or other securities on the funds or rates of the Local Board existing at the passing of this Act and the same shall have priority over any mortgages debentures or securities on the same funds or rates granted under this Act.

A.D. 1888.
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Priority of mortgages.

39. The Local Board shall apply the water revenue as follows (that is to say):—

Application of water revenue.

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

Secondly. In payment of the working and establishment expenses and cost of maintenance of the waterworks undertaking ;

Thirdly. In payment of the interest on moneys borrowed by the Local Board under the powers of this Act ;

Fourthly. In providing the requisite instalments or sinking fund under this Act ;

Fifthly. In making such extensions of the water mains and works as they from time to time think requisite or desirable ;

Sixthly. In providing a reserve fund if the Local Board think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed shall amount to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from their waterworks undertaking or to meet any extraordinary claim or demand at any time arising against them in respect thereof and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time :

Any surplus revenue or if a reserve fund is provided any surplus remaining after the reserve fund shall have been made up to the prescribed amount for the time being and the income thereof when so made up (after deducting therefrom such reasonable sum as the Local Board may think fit for the purpose of carrying on the water undertaking) shall be carried to the credit of the district fund.

40. The Local Board shall keep separate accounts of receipts and expenditure in capital and revenue account under this Act.

Separate accounts.

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

Audit of accounts.

A.D. 1888.

Deficiency of funds of waterworks.

42. If in any year the amount standing to the credit of the water account and the reserve fund be insufficient for the payment of the charges thereon and the execution of this Act with respect to the waterworks and the water supply 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 Local Board 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 district and in making such rate may include therein such sums respectively (if any) as in the judgment of the Local Board 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.

Application of moneys borrowed.

43. All moneys from time to time borrowed under this Act shall be applied by the Local Board only to the following purposes:—

In payment of the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto;

In the purchase of lands easements water and water rights and construction of the waterworks by this Act authorised;

In the exercise of the powers of this Act with respect to the paying off (otherwise than by means of instalments or a sinking fund or out of the proceeds of the sale of surplus lands) of moneys borrowed and of re-borrowing.

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

44. The proceeds of the sale of any surplus lands under the powers of this Act shall be applied towards the extinguishment of any loan borrowed by the Local Board under the powers or for the purposes of this Act but shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Contract for supply of water not to disqualify members of Local Board.

45. No person shall be disqualified from being continuing or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of water or other miscellaneous articles or things under this Act or for the sale of any land for the purposes of this Act nor shall any mortgagee of the water rents and rates to be levied under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee.

Authentication of notices.

46. Any summons demand or notice or other such document to be given by the Local Board under this Act may be in writing or print or partly in writing and partly in print and if the same require

[51 & 52 VICT.] *Hexham Local Board (Water) Act*, 1888. [Ch. cliv.]

authentication by the Local Board the signature thereof by the clerk to the Local Board shall be a sufficient authentication. A.D. 1888.

47. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Local Board out of the general district rate or out of moneys to be borrowed by the Local Board under this Act. Expenses of Act.

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