



## CHAPTER lxxvi.

An Act to amend the Acts relating to the supply of Water by the Stockton and Middlesbrough Water Board and to confer further powers on the said Board and for other purposes. A.D. 1888.

[5th July 1888.]

**W**HEREAS under the provisions of the local and personal Acts and of the Provisional Orders of the Local Government Board confirmed by Parliament specified in the Schedule to this Act annexed (in this Act referred to as "the Water Acts") the Stockton and Middlesbrough Water Board (in this Act referred to as "the joint board") are authorised to supply and do supply water within the boroughs of Stockton-on-Tees and Middlesbrough and the district of the Local Board for South Stockton and other places in the neighbourhood thereof by the said Acts specified in that behalf:

And whereas by the Stockton and Middlesbrough Corporations Waterworks Act 1876 certain works hereinafter described were authorised and it is expedient that the periods limited for the completion of the said works as the same were extended by the Stockton and Middlesbrough Corporations Waterworks Act 1884 should be further extended in manner hereinafter appearing:

And whereas it is expedient that the provisions of the Water Acts with respect to the limitation of the quantity of water to be taken from the River Tees at Broken Scar should be amended in manner hereinafter appearing:

And whereas it is expedient that it should be declared that for the purpose of charging water rents within any places which may be annexed to either of the boroughs or to the local government district above specified such places should be deemed to be within such borough or district as the case may be within the meaning of the Water Acts:

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And whereas it is expedient that the Corporations and the Local Board should not be restricted from paying the interest on moneys borrowed in respect of the construction of works out of borrowed moneys until such works are in use or until the expiration of the periods fixed for their completion under the Water Acts and this Act whichever shall first happen :

And whereas it is expedient that the Corporations of the said boroughs and the Local Board for the said district should be empowered to borrow such sums as may from time to time be necessary to enable them to defray the expenses to be incurred by them in respect of the raising of any loan for waterworks purposes provided that such sums shall not exceed in the whole

In the case of the Corporation of Stockton twenty thousand pounds

In the case of the Corporation of Middlesbrough twenty-four thousand pounds and

In the case of the Local Board four thousand pounds and that such provisions should be made in relation thereto as are hereinafter contained :

And whereas the said Local Board has already incurred considerable expenses amounting to a sum of one thousand and eighty pounds in connection with the raising of moneys authorised to be borrowed by them under the Water Acts and such moneys are still due and owing by the Local Board and it is expedient that the Local Board should be empowered to borrow such moneys as they think fit not exceeding the said sum for the purpose of defraying the same :

And whereas it is expedient that the Corporations of the said boroughs and the Local Board for the said district should be empowered to borrow further moneys for the purpose of enabling them to defray the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act :

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

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

Short title.

1. This Act may be cited as the Stockton and Middlesbrough Waterworks Act 1888.

2. In this Act unless the context otherwise requires:—

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The expression "the Act of 1876" means the Stockton and Middlesbrough Corporations Waterworks Act 1876.

Interpre-  
tation.

The expression "the Order of 1879" means the Provisional Order of the Local Government Board dated the 30th day of April 1879 and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.

The expression "the Order of 1880" means the Provisional Order of the Local Government Board dated the 29th day of April 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.

The expression "the Act of 1884" means the Stockton and Middlesbrough Corporations Waterworks Act 1884.

The expression "the Local Board Act of 1884" means the South Stockton Local Board (Water) Act 1884.

The expression "the Water Acts" means the Acts enumerated in the Schedule.

The expression "the boroughs" means the borough of Stockton-on-Tees in the county of Durham and the borough of Middlesbrough in the county of York.

The expression "the Corporations" means the mayor aldermen and burgesses of the boroughs respectively.

The expression "the district" means the district of the Local Board for South Stockton.

The expression "the Local Board" means the Local Board for the district.

3. Section 15 of the Act of 1884 shall be read and construed as though in lieu of the times by the said section limited for the completion of the several works authorised by the Act of 1876 and hereinafter enumerated the times hereinafter specified for the completion of such works respectively had been substituted in the said section (that is to say):

Amendment  
of section 15  
of the Act  
of 1884.

For the completion of the works in the said section described as "Sadberge Reservoir" and "Conduit No. 5" the thirty-first day of December one thousand eight hundred and ninety.

For the completion of the works in the said section described as "Hury Reservoir" the thirty-first day of December one thousand eight hundred and ninety-one.

For the completion of the works in the said section described as "Blackton Reservoir" "Lartington Tank" "Whorley Reservoir" "Conduit No. 2" "Conduit No. 3" "Conduit No. 4" "Conduit No. 6" "Conduit No. 7" the thirty-first day of December one thousand eight hundred and ninety-four.

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The provisions of Part II. (extension of time) of the Railways Clauses Act 1863 are hereby incorporated with this Act provided that in construing those provisions for the purposes of this Act the expression "railway" shall mean the reservoirs and tank in this section mentioned.

Construction of Act.

4. The Water Acts as each is amended and modified by any subsequent Act and by this Act shall be read and construed together with this Act.

As to quantity of water to be taken from the River Tees

5. Section 18 of the Act of 1884 shall be read and construed as though in lieu of the words :—

"From and after the passing of this Act and until the expiration of the prescribed time for the completion of the Hury and Blackton Reservoirs such quantity of water as the joint board may (with due care to avoid waste) require for the supply of water under the Water Acts and this Act not exceeding sixty-six million gallons" :

"And from and after such last-mentioned period the joint board shall not take in any such week more than sixty million gallons" :

the following words had been substituted in the said section (that is to say) :

From and after the passing of this Act and until the completion of the Hury Reservoir or until the thirty-first day of December one thousand eight hundred and ninety-one whichever shall first happen such quantity of water as the joint board may (with due care to avoid waste) require for the supply of water under the Water Acts and this Act not exceeding sixty-six million gallons :

And from and after the period in this section above limited the joint board shall not take in any such week more than sixty million gallons except that during such time as may elapse between the date of the completion of the Hury Reservoir and the date of the completion of the Conduits Nos. 2 3 and 4 hereinbefore referred to or the 31st day of December 1894 whichever shall first happen and after they shall have commenced to discharge such compensation water as is hereinafter mentioned the joint board may in every such week as aforesaid in and throughout which they shall discharge in a uniform and continuous flow into the River Balder from the Hury Reservoir in addition to such compensation water one or more additional quantity or quantities of one hundred gallons of water per minute take at or near Broken Scar for the supply of their

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district (in excess of the said sixty million gallons per week) one million gallons per week as aforesaid for or in respect of every such additional quantity Provided that the total quantity of water to be taken by the joint board at or near Broken Scar shall not in the whole in any one week exceed eighty-one million gallons Provided also that except as hereinbefore in this section provided the joint board shall not take at or near Broken Scar any water in excess of sixty million gallons per week as aforesaid until they have commenced to discharge from the Hury Reservoir into the River Balder compensation water of the like amount as they would be required to discharge under Section 76 of the Act of 1876 if that section had then come into operation which said compensation water shall thenceforth continue to be discharged in conformity with the requirements of Section 77 of that Act until the said Section 76 shall come into operation :

Provided also that all such water which may be so caused by the joint board to flow into the River Balder shall be made to pass over or through the gauge which under the Act of 1876 they are required to construct for the purpose of measuring the compensation water to be supplied by the joint board into the River Balder under that Act which said gauge shall be so made by the joint board as to be capable of measuring the quantity of water required to be passed over or through the same for the time being and such gauge and also the gauge to be provided under Section 78 of the Act of 1876 shall be constructed according to plans and specifications to be first submitted to and approved by and shall thereafter be maintained to the satisfaction of the engineer mentioned in Sections 78 and 79 of the Act of 1876 or him failing an engineer to be appointed by the President for the time being of the Institution of Civil Engineers in London on the application of the said parties or any of them or of the joint board.

6. If at any time the joint board fails to supply or cause to flow over or through the said gauges or either of them the quantity of water which they are required to supply or cause to flow over or through the same under the provisions of this Act or the Act of 1876 they shall for each and every day during which they shall fail to afford such supply forfeit and pay to the Corporation of Darlington the sum of twenty-five pounds Provided always that so far as regards the Corporation of Darlington any penalty recoverable by them under the provisions of this section shall be in lieu of and not in addition to the penalty payable to them under Section 82 of the

Penalty in  
case of  
default.

A.D. 1888. Act of 1876 Provided further that the joint board shall not be liable to any penalty for any breach of the enactment of this section if such breach shall arise from or be occasioned by unavoidable cause or accident.

Amending  
section 58  
of the Act  
of 1876.

7. The gauge to be constructed under Section 58 of the Act of 1876 for measuring the four thousand six hundred and fifty gallons of water per minute therein mentioned shall be so constructed used and maintained as to be capable of measuring and registering any larger quantity of water which may from time to time be taken by the joint board under that Act from the gathering ground of the Rivers Lune and Balder for the supply of their district.

Joint board  
to provide  
recording  
instruments  
at their  
gauges &c.

8. The joint board shall provide and at all times maintain in proper working order suitable automatic recording instruments and other apparatus at and in connection with each of the gauges required by the Act of 1876 and this Act to be provided for indicating and recording the quantity of water from time to time flowing over or through the same and the joint board shall allow one inspector to be from time to time appointed by the Corporation of Darlington one inspector to be from time to time appointed by the riparian owners as defined by Section 19 of the Act of 1884 or any of them and one inspector to be from time to time appointed by the Tees Salmon Fishery Board at all times together or separately without let or hindrance to have full and free access to such gauges instruments and other apparatus and the records thereof and to inspect verify and take copies of and extracts from such records and examine and test the state of repair and efficiency of the gauges instruments and other apparatus aforesaid and ascertain and take a note of the several quantities of water which from time to time have passed are passing or may be passed over or through such gauges respectively If any difference shall at any time arise between the said parties respectively or any of them as to the nature position sufficiency accuracy mode of construction or employment or state of repair of any of such gauges recording instruments and other apparatus the same shall be determined by a competent engineer to be agreed upon by the parties in difference 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 any or either of the parties and the referee 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 any or either of them of the provisions of this section which orders and directions shall be duly observed and performed.

9. Any arbitration under the provisions of this Act or of the Act of 1876 or of the Act of 1884 in which the Corporation of Darlington or the riparian owners or occupiers are interested shall where not otherwise provided be conducted in manner provided in the Common Law Procedure Act 1854 and the submission to arbitration may be made a rule of Her Majesty's High Court of Justice on the application of any or either of the parties and the arbitrator shall have power to direct by whom the costs of the reference and of his award shall be paid.

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As to refer-  
ences to  
arbitration  
under this  
and former  
Acts.

10. If any person shall maliciously damage interfere with alter or destroy or shall wilfully render unserviceable or falsify any of the gauges recording instruments or other apparatus or records mentioned in the Water Acts or any of them or this Act he shall for every such offence forfeit and pay a penalty not exceeding five pounds to be recovered summarily in any court of summary jurisdiction without prejudice to any other liability or cause of action which may arise out of or by reason of such act.

Penalty for  
damaging  
gauges re-  
cording in-  
struments  
&c.

11. For the purposes of the charging of water rents for a supply of water by the joint board any areas which may be annexed to and included within either of the boroughs or within the district shall be deemed to be within such borough or district within the meaning of the Water Acts.

As to water  
rents in areas  
annexed to  
borough or  
district.

12. Subject as hereinafter in this section enacted nothing in the Water Acts or this Act shall be construed as having been intended to have effect or shall have effect so as to control or prevent the payment out of moneys borrowed or to be borrowed for the purposes of the said Acts of interest on all moneys borrowed whether before or after the passing of this Act in respect of the construction of any works authorised by the said Acts or any of them during the construction of such works and up to the time of the bringing of such works into actual use for the purposes of water supply or until the expiration of the period which under the provisions of the said Acts is limited for the completion of the said works respectively whichever shall first happen and such interest may be so paid by the Corporations and the Local Board accordingly Provided that for the purposes of this section such interest shall include interest on unpaid purchase money for lands bought for the purposes of any such works :

Payment of  
interest on  
money bor-  
rowed until  
completion  
of works.

And provided also that before applying any borrowed money in any year for the payment of any interest under this section the Corporations and the Local Board shall respectively set apart out of their shares of the net revenue of the waterworks undertaking

A.D. 1888. — during such year or out of their borough funds or borough rates or district funds and general district rates as the case may be sums for the payment of such interest equal to a rate of threepence in the pound on the rateable value of the respective boroughs and district and the sums so set apart shall be applied in discharge of the interest for such year and to no other purpose.

Borrowing  
powers for  
Corpora-  
tions.

**13.** Section forty of the Act of 1876 shall be amended so as to enable the Corporations to borrow on the security of their respective borough funds and borough rates and of the revenue of their waterworks undertaking such moneys as they may think requisite for the purposes hereinafter specified in addition to the purposes for which they are authorised to borrow moneys under the said Section 40 as amended by the Orders of 1879 and 1880 and the Act of 1884 to an amount which shall not exceed in the aggregate the amounts following (that is to say):

For the purpose of defraying any expenses which may be incurred by them in relation to the raising of any moneys to be borrowed by them for any of the purposes of the Water Acts or this Act for which they are authorised to borrow money such sums as they may think necessary not exceeding in the whole

In the case of the Corporation of Stockton twenty thousand pounds

In the case of the Corporation of Middlesbrough twenty-four thousand pounds and

For the purpose of defraying their proportion of the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act such sum as may be required.

The Corporations may mortgage their respective borough funds and borough rates and the revenue of their waterworks undertaking as a security for the repayment of the money so borrowed accordingly.

Subject to the provisions of this Act the provisions of the Act of 1876 with respect to the borrowing of moneys by the Corporations in manner prescribed by the said Act or under the provisions of the Local Loans Act 1875 by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another the security for and paying off of the same and otherwise in relation thereto as the same are amended by Article V. of the Order of 1880 shall extend and apply to the borrowing of the moneys by this section authorised to be borrowed and the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred by Section 40 of the Act of 1876



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Provided always that any moneys borrowed or re-borrowed for the purposes of the payment of any expenses which the Corporations may incur in relation to the raising of any moneys to be borrowed as aforesaid shall be repaid within a period not exceeding that agreed upon with the lender in each case for the repayment of the loan in relation to which the expenses are incurred which period shall in no case exceed sixty years and any moneys borrowed or re-borrowed for the purposes of defraying any costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be repaid within a period of not more than twenty years from the first borrowing of the same.

14. Section 105 of the Act of 1876 (as to rating of railways &c.) shall extend and apply to all rates which may be assessed and levied under the authority or for any of the purposes of this Act or to raise or pay any moneys which by or by virtue of this Act may be charged on the borough funds or borough rates of the boroughs as if such rates had been assessed and levied under the authority or for any of the purposes of the Act of 1876 or to raise or pay any moneys which by or by virtue of the Act of 1876 had been charged on such borough funds or borough rates.

Extending  
to this Act  
section 105  
of Act of  
1876 as to  
rating of  
railways &c.

15. The Local Board may borrow on the security of the revenue arising from their share of the waterworks undertaking acquired by them under the Local Board Act of 1884 and their district fund and general district rate such moneys as they may think requisite for the purposes hereinafter specified in addition to the purposes for which they are authorised to borrow moneys under Section 8 of that Act to an amount which shall not exceed in the aggregate the amounts following (that is to say):

Borrowing  
powers for  
Local Board.

For the purpose of defraying the expenses already incurred by them in relation to the raising of moneys borrowed by them under the Local Board Act of 1884 one thousand one hundred and fifty-five pounds.

For the purpose of defraying any expenses which may be incurred by them in relation to the raising of any moneys to be borrowed by them for any of the purposes of the Water Acts or this Act for which they are authorised to borrow money such sums as they may think necessary not exceeding in the whole four thousand pounds.

For the purpose of defraying their proportion of the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act such sum as may be required.

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The Local Board may mortgage their revenue arising from the share of the waterworks undertaking acquired by them under the Act of 1884 and their district fund and general district rate as a security for the repayment of the money so borrowed subject to the provisions of this Act. The provisions of the Local Board Act of 1884 with respect to the borrowing of moneys by the Local Board in manner prescribed by the said Act the security for and paying off of the same and otherwise in relation thereto shall extend and apply to the borrowing of the moneys by this section authorised to be borrowed and the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred by Section 8 of the Local Board Act of 1884. Provided always that any moneys borrowed or re-borrowed for the purposes of defraying any expenses already incurred by them as aforesaid and any expenses which may be incurred by them as aforesaid in relation to the raising of any money shall be repaid within a period not exceeding that agreed upon with the lender in each case for the repayment of the loan in relation to which the expenses are incurred which period shall in no case exceed sixty years and any moneys borrowed or re-borrowed for the purposes of defraying any costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be repaid within a period of not more than twenty years from the first borrowing of the same.

As to repayment of money borrowed by Corporations and Local Board under this Act.

**16.** If any repayment mentioned in the sections of this Act whereof the marginal notes are "borrowing powers for Corporations" and "borrowing powers for Local Board" shall be made by means of a sinking fund the Corporations or the Local Board as the case may be shall in every year reckoned from the date of the borrowing of such money appropriate and set apart out of the funds rates and revenue on the security of which such money shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three per centum per annum be sufficient to pay off the whole of the principal money borrowed on such security within the period by this Act prescribed.

Power to re-borrow.

**17.** The Corporations and the Local Board may from time to time borrow at interest on the security of their respective borough funds and borough rates district fund and general district rate and of the revenue of their water undertaking any money necessary for repaying any principal money borrowed under this Act on the same becoming repayable or for paying off of any of such principal moneys as they can re-borrow at a lower rate of interest 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 and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan :

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Provided also that the power conferred by this section shall not apply to any moneys paid off by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases.

**18.** For the purpose of obtaining payment from the Corporations and the Local Board of the sums payable by them in respect of their proportions of the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act the joint board shall from time to time issue their precept to each of the Corporations and the Local Board stating the sum to be paid by them respectively in respect of such proportion and requiring each Corporation and the Local Board within the time limited by the precept to pay the sums therein mentioned to the joint board or to such person as the joint board may direct and the provisions of the Water Acts with respect to precepts and the sums mentioned therein and the recovery of the same and for enforcing the payment of moneys in pursuance thereof and for levying and collecting the same and otherwise in relation thereto shall extend to precepts under the authority of this section and to sums mentioned therein as though the same were precepts issued and sums payable under the Act of 1876.

Precepts for  
payment of  
moneys by  
Corpora-  
tions and  
Local Board.

**19.** The costs charges and expenses preliminary to and of and incidental to the preparing 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 House of Commons shall in the first instance be paid by the joint board out of the common fund as defined by the Act of 1876 and shall be repaid thereto by the Corporations and the Local Board in the proportions in which they are respectively interested in the water undertaking out of moneys to be borrowed by them under this Act.

Expenses  
of Act.

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**SCHEDULE.**  

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The Stockton and Middlesbrough Waterworks Act 1858.

The Stockton and Middlesbrough Waterworks Act 1864.

The Stockton and Middlesbrough Corporations Waterworks Act 1876.

A Provisional Order of the Local Government Board dated the thirtieth day of April 1879 and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.

A Provisional Order of the Local Government Board dated the twenty-ninth day of April 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.

The Stockton and Middlesbrough Corporations Waterworks Act 1884.

The South Stockton Local Board (Water) Act 1884.

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London: Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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