



### CHAPTER xxi.

An Act to empower the Commissioners of the Deanhead Reservoir to execute Works and supply Water in bulk and for other purposes. [31st May 1889.]

A.D. 1889.

WHEREAS by an Act passed in the first and second years of the reign of Her present Majesty intituled "An Act for making and maintaining a reservoir at Deanhead in the parish of Huddersfield in the West Riding of the County of York and for other purposes relating thereto" (hereinafter called the Act of 1838) the Commissioners of the Deanhead Reservoir (hereinafter called the Commissioners) were incorporated and empowered to construct a reservoir and an embankment across a brook called the Blackbourne (otherwise Black Brook) in the township of Scammonden in the parish of Huddersfield for impounding the waters of the said brook with the object of rendering available a regular and constant supply of water for the mills and factories situate on or near the said brook :

And whereas by the said Act the Commissioners were empowered to levy rates in the proportions therein specified on all persons occupying any fall supplied with water from any part of the said brook between its exit from the said reservoir and its junction with the River Calder :

And whereas by the said Act the Commissioners were authorised to borrow a sum not exceeding three thousand five hundred pounds on the security of the said rates for the purpose of constructing the said reservoir and other purposes of the Act and if that sum proved insufficient for completing the works to borrow such further sums as should from time to time be requisite for that purpose :

And whereas by an Act passed in the fourth and fifth years of Her Majesty intituled "An Act to amend an Act of Her present Majesty for making and maintaining a reservoir at Deanhead in the parish of Huddersfield in the West Riding of the County of York" (hereinafter called the Act of 1841) the Commissioners were empowered to borrow a further sum of five thousand five

A.D. 1889. — hundred pounds on the security of the said rates for the completion of the reservoir and other purposes of the said Acts and if the said sums of three thousand five hundred pounds and five thousand five hundred pounds should be insufficient for the completion of the said authorised works then to borrow such further sums as should from time to time be requisite for the purpose :

And whereas under the powers of the said Acts the Commissioners borrowed sums amounting in the aggregate to twelve thousand nine hundred pounds whereof ten thousand two hundred and thirty-five pounds is now outstanding :

And whereas the said reservoir was constructed and a plentiful and regular supply of water rendered available for the said mills and factories whereby the industrial development and prosperity of the district has been greatly assisted and increased :

And whereas the persons engaged or interested in the said mills and factories are to a great extent resident in the township of Stainland which is situate in the Blackbourne Valley :

And whereas the said township is at present solely dependent for its supply of water for public and domestic purposes on wells and pumps which afford only an irregular insufficient and in many instances impure supply :

And whereas an adequate supply of water suitable for all public and domestic purposes could be obtained by gravitation from the said reservoir and the Commissioners are willing if authorised by Parliament to undertake the works necessary for affording such a supply to the local board of Stainland with Old Lindley (hereinafter called the Stainland Local Board) and to any other local authority within the meaning of the Public Health Act 1875 through into or adjoining whose district the line of works authorised by this Act shall extend and to any person or company being a riparian owner or occupier on the said Blackbourne Brook :

And whereas the works by this Act authorised with the exception of a portion thereof in the township of Scammonden are situate wholly in or upon lands of the riparian owners and occupiers on the said Blackbourne Brook :

And whereas it is expedient that the Commissioners be empowered to execute the aqueducts and works in this Act described for the purpose of affording such a supply of water as aforesaid :

And whereas it is expedient that the Commissioners be empowered to enter into and carry into effect agreements with the Stainland Local Board and other local authorities persons and companies for the better execution of the purposes of this Act :

And whereas it is expedient that the Commissioners be empowered to raise further moneys on the security of the rates leviable by them

under the recited Acts and of any revenue that may accrue to them from the sale of water under the powers of this Act : A.D. 1889.

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

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

1. This Act may be cited as the Deanhead Commissioners Act Short title.  
1889.

2. The following Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act :— Incorporation of Acts.

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

The following provisions of the Waterworks Clauses Act 1847 (that is to say) :—

With respect to the construction of the waterworks ;

With respect to the construction of works for the accommodation of lands adjoining the waterworks ;

With respect to mines ;

With respect to the breaking up of streets for the purpose of laying pipes ;

With respect to the provision for guarding against fouling the water of the undertakers ;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or to the sheriff ;

With respect to access to the special Act :

The provisions of the Waterworks Clauses Act 1863 with respect to the security of reservoirs.

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Interpre-  
tation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Construction  
of works.

4. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the aqueducts and other works hereinafter described (that is to say):—

1. An aqueduct tunnel conduit or line of pipes to commence in the township of Scammonden and parish of Huddersfield at the sluice within the tunnel of the existing Deanhead reservoir bank and to terminate in the said township and parish on the boundary line between the townships of Scammonden and Stainland at a point one hundred and seventy yards or thereabouts measured in a straight line in a north-north-easterly direction from the Shoulder of Mutton public-house in Hey Lane in the said township of Scammonden :
2. An aqueduct tunnel conduit or line of pipes fifty yards in length or thereabouts situate wholly in the township of Scammonden and parish of Huddersfield to commence by a junction with work No. 1 such junction to be made in a field called Middle Ing and to terminate at or in the tank to be called Barkisland tank or reservoir next hereinafter described :
3. A service tank or reservoir to be called the Barkisland tank or reservoir situate wholly in the township of Scammonden and parish of Huddersfield to be constructed in a field called Near Ing :
4. An aqueduct tunnel conduit or line of pipes to commence in the said township of Scammonden and parish of Huddersfield at or in the said tank or reservoir (work No. 3) and to terminate at a point one hundred and thirty yards or thereabouts measured in a straight line in a westerly direction from the bridge crossing the Blackbourne Brook on the high road leading from Barkisland to Stainland in the township of Barkisland and parish of Halifax :

Together with all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges reservoirs

wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connection with the before-mentioned works or any or either of them.

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All the aforesaid works will be made and situate in the west riding of the county of York.

5. Subject to the provisions of this Act the Commissioners may enter on purchase take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works hereby authorised and may take divert collect impound appropriate and use for the purposes of this Act the waters of the Blackbourne Brook and all other streams shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by or for the before-mentioned works.

Power to take lands and streams.

6. Subject to the provisions of this Act the Commissioners may in the construction of any of the works shown on the deposited plans deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of deviation defined on those plans and may deviate from the levels shown on the deposited sections to any extent not exceeding three feet Provided that the Commissioners shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the Barkisland reservoir of a greater height above the general surface of the ground than that shown on the deposited plans and three feet in addition.

Power to deviate.

7. The powers of the Commissioners for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

8. Persons empowered by the Lands Clauses Acts to sell and convey or re-lease lands may if they think fit (subject to the provisions of those Acts and of this Act) grant to the Commissioners and the Commissioners may take and hold any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands at a yearly rent or otherwise and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Power to grant easements &amp;c. by agreement.

9.—(1.) The Commissioners shall not under the powers of this Act without the consent of the Local Government Board take 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.

Restriction on taking houses occupied by labouring class.

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(2.) For the purposes of this section the expression "labouring class" means and 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 of such persons who may be residing with them.

Period for  
completion  
of works.

10. If any work shown on the deposited plans is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to  
temporarily  
stop up  
roads.

11. For the purposes of the execution of the works by this Act authorised the Commissioners may with the consent of the local authority from time to time stop up temporarily or interfere with any road or footpath shown on the deposited plans and sections as occasion may require but the Commissioners shall before the commencement of any such operations cause a sufficient road or footpath to be made instead of the road or footpath to be stopped up or interfered with and shall at their own expense maintain such substituted road or footpath in a state as convenient for carriages and passengers as the road or footpath stopped up or interfered with or as nearly so as may be.

Power to  
Commis-  
sioners to  
borrow on  
mortgage.

12. The Commissioners may from time to time for the purposes of this Act in addition to any sums they have borrowed or are authorised to borrow under any other Act borrow at interest on mortgage of the rates leviable by them under the Act of 1838 and the Act of 1841 and of any revenue that may accrue to them from the sale of water under the powers of this Act either together or separately all such sums as they may from time to time think requisite for all or any of the purposes of this Act not exceeding in the whole the sum of six thousand pounds Provided that if the said sum of six thousand pounds by this Act authorised to be borrowed shall be insufficient for completing the works by this Act authorised it shall be lawful for the Commissioners from time to time at or after any extraordinary general meeting which shall have been called for the purpose (in manner by the said recited Acts provided for calling extraordinary general meetings) to borrow in manner aforesaid such further sum or sums not exceeding three thousand pounds as from time to time shall be requisite for making and completing such works and the provisions and powers contained in sections three to eighteen (both included) of the Act of 1841 shall apply to all mortgages granted under this Act as

fully and effectually as if the said provisions and powers had been re-enacted in this Act in respect of those mortgages. Provided also that all sums borrowed under this section shall be applied only to purposes to which capital moneys are properly applicable including the costs charges and expenses preliminary and of and incidental to the preparation and passing of this Act.

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**13.** All mortgages granted by the Commissioners before the passing of this Act shall during their continuance have priority both as regards principal and interest over any mortgages granted under this Act.

Priority of existing mortgages.

**14.—(1.)** Subject to the provisions of this Act it shall be lawful for the Commissioners from time to time to sell and dispose of water in bulk to the Stainland Local Board and to any other local authority within the meaning of the Public Health Act 1875 through into or adjoining whose district the line of works authorised by this Act shall extend and to any person or company being a riparian owner or occupier on the said Blackbourne Brook.

Power for Commissioners and local authorities to make contracts for supply of water.

**(2.)** The Commissioners may enter into and carry into effect agreements with the Stainland Local Board and any such local authority person or company for the execution of the powers of this section on such terms and conditions and for such periods as may be agreed between the contracting parties respectively and in default of agreement the terms and conditions shall be settled by arbitration in manner provided by the Public Health Act 1875 and the making and carrying into effect of any such agreement or contract shall with reference to the said local board or any other local authority be deemed to be a purpose of the said Act. Provided that the Commissioners shall not supply water to or so as to be used within the district of any local authority (other than the district of the Stainland Local Board) within the statutory limits of the corporation of Huddersfield for the supply of water except with the previous consent of the said corporation under their common seal. Provided that nothing in this Act contained shall be deemed to enable any riparian owner or occupier to sell or otherwise dispose of water in bulk for use in or upon lands within the statutory limits of the corporation of Halifax for the supply of water other than in or upon lands belonging to or occupied by such riparian owner or occupier his heirs successors or assigns which shall abut on the said brook or lands to which such water can (or but for any intervening roadway or watercourse could) be conveyed over through or under other lands in the same ownership or occupation except with the previous consent of the said corporation under their common seal.

**15.** The powers and provisions of this Act shall extend to authorise the Commissioners to dispose by sale of not exceeding sixty million gallons of water during any consecutive twelve months

Restriction on powers of Commissioners.

A.D. 1889. but the Commissioners shall not dispose of or take in any one month more than fifteen million gallons of water. Nothing in this Act shall extend to authorise the Commissioners to dispose by sale of any greater quantity of water than aforesaid or by means of the works by this Act authorised to take during any consecutive twelve months any greater quantity of water than aforesaid.

Application  
of revenue  
from sale of  
water.

**16.** All moneys received by the Commissioners in respect of the sale of water under this Act shall be applied by them first in or towards payment of the costs charges and expenses preliminary and of and incidental to the preparation and passing of this Act so far as the same are not discharged out of borrowed moneys secondly in defraying the expenses of the execution of the works by this Act authorised and paying interest on any moneys borrowed under this Act thirdly in paying off or extinguishing the said sums to be borrowed for the purposes aforesaid either by appropriations instalments or annual repayments by means of a sinking fund appropriated and invested and with the accumulations thereof (if any) from time to time applied for that purpose so as in any case to extinguish or pay off or be in a position to extinguish or pay off the whole of the said sums within forty years from the respective dates of borrowing the said sums and if at the end of that time the said sums are not wholly extinguished or paid off then the Commissioners shall so long as they are liable to pay the same apply in or towards that payment the annual income arising from the sinking fund provided under this section and subject thereto to all or any of the purposes to which rates leviable by the Commissioners under the Acts of 1838 and 1841 are for the time being applicable.

For pro-  
tection of  
Stainland  
local board.

**17.** Nothing in this Act shall prevent the Stainland Local Board from obtaining a supply of water themselves or from any person corporation or company within or without their own district or from exercising any of the powers rights and privileges relating to water supply conferred on them by the Public Health Act 1875 or any Act amending the same.

Costs of  
Act.

**18.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners.

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