



CHAPTER xlv.

An Act to provide for the transfer of the Undertaking of the Ambleside District Gas and Water Company Limited to the Ambleside Urban District Council and to confer further powers on the said Council with respect to the supply of Gas and Water and for other purposes. A.D. 1895.

[20th June 1895.]

WHEREAS the district of Ambleside in the county of Westmorland is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Ambleside Urban District Council (herein-after called "the Council"):

And whereas the Ambleside District Gas and Water Company Limited (in this Act called "the Company") were formed in the year one thousand eight hundred and sixty-six for the purpose of supplying with gas and water the town of Ambleside and the surrounding district and such Company were duly registered under the Companies Act 1862:

And whereas the present share capital of the Company consists of twelve thousand pounds divided into two thousand four hundred shares of five pounds each the whole of which shares have been subscribed and fully paid up and the Company have a mortgage debt of two thousand pounds:

And whereas the Company have erected gasworks upon a portion of the land described in the schedule to this Act and have also constructed upon lands leased to them for long terms of years the waterworks herein-after described and have from time to time extended and enlarged their gasworks and waterworks and are now supplying gas and water within the limits for the supply of gas and water in this Act respectively mentioned:

And whereas it is expedient that the undertaking of the Company should be transferred to and vested in the Council in manner provided by this Act and that further powers should be conferred

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upon the Council with respect to the supply of gas and water within the limits prescribed by this Act and that the Council should be empowered to acquire the said lands described in the schedule to this Act and the lands upon which the existing waterworks of the Company are situate and to extend and improve the existing gasworks and waterworks of the Company to meet the growing demands of the inhabitants within the said limits :

And whereas plans describing the lands and works proposed to be acquired under the powers and for the purposes of this Act and a book of reference to those plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Westmorland and are in this Act respectively referred to as the deposited plans and book of reference :

And whereas estimates have been prepared by the Council for the extension and improvement of the gasworks and waterworks and for the purchase of the said lands and such estimates amount to the sum of fifteen thousand pounds :

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

And whereas an absolute majority of the whole number of the Ambleside Local Board at a meeting held on the sixteenth day of October one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Ambleside Herald" a local newspaper published and circulating in the district of the Council 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 general district fund or rate of the district :

And whereas such resolution was published twice in the said "Ambleside Herald" 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 Council at a further special meeting held in pursuance of a similar notice on the fifteenth day of January one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

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

And whereas the objects aforesaid cannot be effected without the authority of Parliament: A.D. 1895.

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) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the *Ambleside Urban District Council (Gas and Water) Act 1895.* Short title.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Gas.

Part IV.—Water.

Part V.—Lands.

Part VI.—Financial.

Part VII.—Miscellaneous.

Division of
Act into
parts.

3. The provisions of Part III. Part IV. and Part V. of this Act shall not take effect until after the transfer of the undertaking of the Company to the Council. Parts III. IV.
and V. not to
take effect
until transfer.

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

The Lands Clauses Acts ;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit and except section 38 relating to accounts) ;

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 section 83 relating to accounts) but that Act shall be read and have effect as if the words " with the " consent in writing of the owner or reputed owner of any " such house or of the agent of such owner " were omitted from section 44 ; and

The Waterworks Clauses Act 1863 ;

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And the Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts &c.) shall apply to the gas undertaking of the Council.

Interpreta-
tion of
terms.

5. 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 Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

The expressions “the Undertakers” and “the Company” mean the Council :

And in this Act unless the context otherwise requires—

The expression “the undertaking of the Company” includes all the gasworks and waterworks engines mains pipes and machinery lands and buildings plant fixed and moveable stock-in-trade gas coal and other stores and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the constitution of the Company ;

“The district” means the urban district of Ambleside ;

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

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

PART II.

TRANSFER OF UNDERTAKING.

Company to
sell their
undertaking
to Council.

6. The Company shall sell and the Council shall purchase the undertaking of the Company for such price or consideration and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement shall be

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determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the undertaking of the Company. Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement. And in addition to the sum to be paid by the Council to the Company under the foregoing provisions of this section the Council shall pay to the Company the costs and expenses incurred by them of and incident to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid. Provided that no officer or servant who has been in the employment of the Company for twenty-five years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Council.

7. The arbitrator or arbitrators or the umpire as the case may be shall value the gas undertaking and the water undertaking of the Company separately and the purchase money to be paid for the purchase of the said undertaking shall for the purposes of the Council and of their accounts be apportioned between the gas and water portions of the said undertaking in accordance with the award and any other sum to be paid to the Company by the Council under this Act and the costs and expenses of this Act and the costs of the Council in relation to the purchase and the mortgage debt of the Company shall for the purposes aforesaid be apportioned as the Council shall determine.

Apportionment of purchase money between gas and water undertakings.

8. On payment by the Council of the purchase money in accordance with the provisions of this Act the undertaking of the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act and free as between the Company and the Council from all debts (other than the mortgage debt of two thousand pounds) and liabilities affecting the same due from or payable by the Company up to the time of such transfer and thenceforth the Council shall have and hold the undertaking:

On payment of purchase money undertaking to vest.

A Queen's Printer's copy of this Act shall be chargeable with the same stamp duty as would be chargeable if the transaction

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effected by the Act were a transaction effected by an executed instrument in writing and the copy were the instrument and that copy shall within three months from the date of vesting be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the day of payment shall be recoverable from the Council with full costs of suit and all costs and charges attending the same.

Receipt for
purchase
money.

9. The receipt in writing of three of the directors of the Company for the purchase money or any other sum to be paid to them by the Council or the payment thereof by the Council to the account of the Company with the Bank of Liverpool (Wakefield Crewdson and Company's Branch) at Ambleside shall effectually discharge the Council from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and on such payment the Company shall forthwith proceed to take the necessary steps for a voluntary winding up of their affairs.

Liabilities
and action
&c. by or
against
Company.

10. All debts and liabilities (other than the said mortgage debt of two thousand pounds) due from or payable by the Company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the Company and the Council be paid or satisfied by the Company and the Company shall indemnify the Council against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed but as between the Company and the Council the Company shall indemnify the Council against any action or proceeding against the Company and shall be entitled to the benefit of any action or proceeding in favour of the Company which shall be pending at the time of the transfer.

Contracts of
Company to
be binding
on Council.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council.

and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto. A.D. 1895.

12. All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Council. Books &c.
to remain
evidence.

PART III.

GAS.

13. The limits of this Act for the supply of gas (in this Act referred to as "the gas limits") shall be and include the district the township of Rydal and Loughrigg in the parish of Grasmere the township or division of Skelwith in the parish of Hawkshead and so much of the township of Troutbeck in the parish of Windermere as lies to the north of a line drawn from the shore of Lake Windermere along the southern boundary of an enclosure belonging or reputed to belong to Charles Dunn and numbered 671 on the $\frac{1}{2500}$ Ordnance map for the said parish up to the point where such boundary joins the main road leading from Ambleside to Windermere then following and including the said main road in a southerly direction to the western end of Mirk Lane then crossing the said main road in an easterly direction to the south-western corner of and following the course of and including Mirk Lane aforesaid up to its junction with Holbeck Lane then following and including Holbeck Lane in an easterly direction until its junction with Fell Lane then crossing Holbeck Lane in a northerly direction to the south-eastern corner of and following the course of and including Fell Lane up to its junction with Robin Lane then following the western side of Robin Lane in a north-westerly direction up to its junction with the footpath leading from the said Robin Lane to High Skelgill then following the course of the said footpath across the enclosures numbered 404 190 and 187 on the said Ordnance map to the point where the said footpath crosses the Holbeck Stream and so rejoins the boundary of the district. Gas limits.

14. From and after the time when the provisions of this part of this Act commence to take effect all powers and obligations on the part of the Windermere District Gas and Water Company to supply gas within the portion of the township of Troutbeck which is by this Act included within the gas limits shall cease and determine. For pro-
tection of
Windermere
District Gas
and Water
Company.

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Powers as to
construction
and main-
tenance of
gasworks &c.
and acqui-
sition of lands.

15. Subject to the provisions of this Act the Council may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands on which the same are erected or any part thereof and which form part of the lands described in the schedule to this Act and they may also erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters stoves ranges fittings tubes pipes and other articles and things connected with gasworks or with the supply of gas as they may from time to time think fit And they may enter upon take use and hold for the purposes aforesaid or any of them any part of the lands described in the said schedule and delineated on the deposited plans and described in the deposited book of reference or any interest therein not transferred to the Council under Part II. of this Act Provided always that no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Power to
supply gas
apparatus
engines &c.
for heating
motive and
other pur-
poses.

16. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to refuse
to supply
persons in debt

17. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Council without

paying all gas or meter rent due from him the Council may refuse to furnish to him a supply of gas until he pays the same.

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for other property.

18. Twenty-four hours' notice in writing shall be given to the Council at their gas office by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

Gas consumers to give notice to Council before removing.

19. The Council with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Power to lay pipes against buildings.

20. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings and sixpence per one thousand cubic feet.

Limiting the price of gas.

21. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

Pressure of gas.

22. The prescribed number of candles shall be fifteen.

Quality of gas.

23. Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Council.

Testing place.

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Burner.

24. The prescribed burner shall be Sugg's London argand burner Number 1 with a six-inch by one and three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Council to pay interest on money deposited as security for gas meter &c.

25. If any person is required by the Council to give to them security for the payment of the price or rent of a gas meter the Council shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Supply of gas in bulk.

26. The Council may from time to time enter into and carry into effect agreements with any local or sanitary authority of any district beyond the gas limits or any company authorised to supply gas under parliamentary authority beyond such limits for the supply by the Council to such authority or company respectively of gas in bulk or otherwise.

Provision for sale of portion of undertaking to other sanitary authorities.

27. If at any time after the passing of this Act any sanitary authority whose district or any part thereof is beyond the district of the Council but within the gas limits give not less than six months' notice in writing to the Council of their desire to purchase such portions of the gasworks of the Council as are contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portions of the said gasworks (except any mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the gas limits) and to supply gas within such district then it shall not be lawful for the Council to oppose such application except as to the details thereof and if such powers of purchase and supply be granted the Council shall sell and such sanitary authority shall purchase the portion of the said gasworks (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts in manner provided by those Acts and the Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the

Council to supply gas within such district shall cease and determine. A.D. 1895.

PART IV.

WATER.

28. The limits of this Act for the supply of water shall be the district. Water limits.

29. Subject to the provisions of this Act the Council may from time to time maintain renew extend and repair the reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act including the existing works of the Company herein-after described which said works are situate in the township of Ambleside-above-Stock in the parish of Grasmere (that is to say) :— Maintenance of water-works.

(1) A dam and intake in the stream called Scandale Beck situate nineteen chains up the stream from Low Sweden Bridge measured along the course of the stream :

(2) An aqueduct conduit or line of pipes (No. 1) commencing at the said dam and intake and terminating in the reservoir next herein-after described :

(3) A reservoir or covered water tank situate near the north-east corner of the field numbered 69 on the $\frac{1}{2500}$ Ordnance map in the parish of Grasmere :

(4) An aqueduct conduit or line of pipes (No. 2) commencing in the said reservoir passing thence down the occupation road to or towards Nook End thence down another occupation road called Nook End Road to the junction thereof with the public highway called Green Road at Smithy Brow :

And the Council may make and maintain all proper embankments dams sluices weirs outlets overflows washouts bridges roads approaches wells tanks basins gauges filter-beds discharge pipes adits shafts tunnels aqueducts cuts channels conduits drains mains pipes junctions valves telegraphs telephones and other means of electric communication engines apparatus houses buildings and conveniences connected with or ancillary to the said waterworks or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same but nothing in this Act shall exempt the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in the exercise of the powers of this section elsewhere than on the lands delineated on the deposited plans and

A.D.1895. described in the deposited book of reference on which the water-works herein-before described are situate :

Provided that the telegraphs telephones and other means of electric communication by this Act authorised shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 :

The Council may undertake to pay to the Postmaster General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Council under such undertaking may be defrayed out of any revenue or funds of the Council.

Power to acquire lands on which waterworks are situate and to take waters.

30. Subject to the provisions of this Act the Council may enter upon take use and hold the lands delineated on the deposited plans and described in the deposited book of reference on which the waterworks herein-before described are situate and may take collect divert impound appropriate and use by and in the said works or any enlargement thereof and any works for the time being of the Council all or some of the waters of the Scandale Beck or the tributaries thereof and any streams springs or waters which can or may be intercepted by any of such works or which may from time to time be found in upon or under any lands for the time being belonging to the Council or which they may acquire under the powers of this Act or over or in respect of which the Company now have easements or other rights.

Limit of pressure.

31. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the existing reservoir of the Company.

Rates for supply of water for domestic purposes.

32. The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding five pounds per centum upon the rateable value of the premises supplied :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that

where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

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33. In addition to the foregoing charges the Council may charge in respect of every watercloset (beyond those for which no additional charge is to be made under the proviso herein-after contained) on any premises within the limits of this Act for the supply of water a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons beyond the first (for which no additional charge shall be made) a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided always that no additional charge shall be made for the first water-closet on any premises of which the rateable value exceeds twenty pounds or for the first two waterclosets on any premises of which the rateable value does not exceed twenty pounds.

Rates for water-closets and baths.

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

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

35. Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a 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 the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Rate payable by owners for small houses.

36. The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a

Supply to houses partly

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used for
trade &c.

dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Provided always that the Council shall not be entitled to charge for water supplied by measure under this section a higher price than one shilling per thousand gallons.

Regulations
for prevent-
ing waste of
water.

37. For preventing waste misuse undue consumption or contamination of the water of the Council the following provisions shall have effect (that is to say):—

- (1) The Council may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and all byelaws made by the Council under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates to byelaws made by a rural sanitary authority) of the Public Health Act 1875 :
- (3) A copy of all such byelaws in force for the time being shall be kept at the office of the Council and all persons may at all reasonable times inspect such copy without payment and the Council shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (4) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Council and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :

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(5) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :

(6) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Council or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Council may in addition thereto recover the amount of any damages sustained by them :

(7) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

38. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may by agreement with any consumer supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Council for water Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided also that the Council shall not be entitled to charge for water supplied by measure under this section a higher price than one shilling per thousand gallons.

Supply of water for other than domestic purposes and by measure.

39. The Council may charge for the hire and use of meters for ascertaining the quantity of water consumed or supplied and of

Power to charge for meters and

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water fittings.

water fittings such rents or sums of money as may from time to time be agreed upon between the hirer and the Council and the rent of meters let for hire shall be recoverable in the same manner as rates due to the Council for water.

Notice to Council of connecting or disconnecting meters.

40. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of some officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be primâ facie evidence.

41. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c.

42. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council or the punishment of the offender) for every such offence forfeit and pay to the Council a sum not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained And the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

43. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied the Council their agents and workmen (after giving notice as hereafter provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the Council.

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Entry on premises to cut off pipes after notice given.

44. The notice to be given by the Council previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):—

Notice before entry.

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry :

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Council then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry :

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the Council after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purposes of this section any person receiving the rack rents of any such premises either on his account or as agent for any other person shall be deemed the owner of such premises.

45. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Council not bound to supply several houses by one pipe.

46. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent in a prepaid letter to the office of the Council.

Notice of discontinuance.

47. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Council to any other such house or tenement or allows the same to be taken or used contrary to the

Misuser where supply to several houses is by a pipe common to all.

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provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Supply of
water in
bulk.

48. The Council may from time to time subject to the provisions of this Act enter into and carry into effect agreements with any local or sanitary authority of any district beyond the limits of this Act for the supply of water or any company authorised to supply water under parliamentary authority beyond such limits for the supply by the Council to such authority or company respectively of water in bulk or otherwise for any purposes and for any period Provided that it shall not be lawful for the Council to supply water under any such agreement as aforesaid beyond the said limits if and so long as such supply shall interfere with the continuing supply of water for domestic purposes within those limits.

Provisions
for protec-
tion of the
corporation
of Man-
chester.

49. For the protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this section called "the corporation") the following provisions shall have effect (that is to say):—

(1) Prior to the execution of any new works or any structural alterations of the existing works in the township of Ambleside-above-Stock in the parish of Grasmere in the county of Westmorland within the limits of deviation within which the corporation have constructed or laid or are authorised to construct or lay the aqueduct conduit or line of pipes and works authorised by the Manchester Corporation Waterworks Act 1879 the Council shall give one month's notice in writing to the town clerk of the city of Manchester and all works executed within such limits shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the corporation:

(2) In the execution and maintenance within the limits aforesaid of any such works those works shall be so constructed and maintained as not to interfere with the line level position and construction of the aqueduct conduit or line of pipes and works of the corporation authorised by the Manchester Corporation Waterworks Act 1879 and so that the works shall be self-supporting and independent of the aqueduct conduit or line of pipes and works of the corporation. The said works shall be executed according to plans sections and drawings previously submitted to and reasonably approved in writing by the engineer of the corporation or in case of difference in respect thereof according to such plans sections and drawings as shall be determined by the arbitrator to be appointed as in this section provided:

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- (3) If by reason of the execution of the works by this Act authorised the aqueduct or any water main pipe conduit or work of the corporation be injured or any additional or increased length of main pipe or conduit become requisite the corporation at the expense of the Council in all things may make such repairs connexions and additions as may be required Provided that if the corporation neglect after reasonable notice to make the same they may be made by the Council :
- (4) If by reason of the execution of any of the works by this Act authorised any interruption be occasioned to the supply of water by the corporation the Council shall forfeit and pay to the corporation the sum of ten pounds for every day during which such interruption shall continue and the corporation may recover the same with full costs of suit in any court of competent jurisdiction :
- (5) The Council shall not except with the consent of the corporation under their corporate seal either directly or indirectly supply water for any purpose to or in any township or place beyond the limits of this Act for the supply of water elsewhere than to or in the ecclesiastical parish or district of Brathay :
- (6) If any difference arise between the corporation and the Council touching this section or anything to be done or not to be done or any money other than a penalty to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on the application of either of the parties) by the President for the time being of the Institution of Civil Engineers :
- (7) Except so far as may be necessary in exercising the powers of this Act subject to and in accordance with the provisions of this section nothing in this Act contained shall prejudice or affect any of the rights or privileges of the Corporation under the Manchester Corporation Waterworks Act 1879 or any conveyance or grants of easement made in pursuance of that Act.

PART V.

LANDS.

50. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

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Power to
take addi-
tional lands
by agree-
ment.

51. The Council may from time to time for any of the purposes of their gas undertaking or their water undertaking purchase by agreement any lands not exceeding six acres in addition to the lands which they are authorised by this Act to take by compulsion and they may also purchase by agreement and hold any lands which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as any such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. But the Council shall not create or permit the creation or continuance of any nuisance on any such lands or use lands acquired for waterworks purposes for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to
take ease-
ments &c. by
agreement.

52. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as 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 respectively.

Power to
Council to
sell &c.
lands.

53. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Council may from time to time sell and dispose of any lands acquired by them under this Act and not for the time being required for the purposes of the gas undertaking or water undertaking.

Application
of moneys
from sale &c.
of land.

54. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds 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. A.D. 1895.

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

56. The Council shall not under the powers of this Act take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied : Restriction
on taking
houses
of labouring
class.

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

PART VI.

FINANCIAL.

57.—(1.) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts herein-after specified (if any) (that is to say) :— Power to
borrow.

- (1) For the purchase of the undertaking of the Company and for paying any sums payable by the Council to the Company under this Act and defraying the taxed costs and expenses incident to such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) and for the payment of the mortgage debt of the Company such sum as may be required :

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(2) For the purchase of lands for and for the extension and improvement of the gasworks of the Council the sum of nine thousand pounds :

(3) For the purchase of land forming the site of the waterworks and for the extension and improvement of the waterworks of the Council the sum of six thousand pounds :

(4) For paying the taxed costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the gas or water undertakings of the Council.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate of the district and in addition thereto they may mortgage or charge as regards the purposes (1) and (4) and moneys borrowed with the approval of the Local Government Board the revenue of the gas and water undertakings of the Council as regards the purpose (2) the revenue of their gas undertaking and as regards the purpose (3) the revenue of their water undertaking.

Inquiries by
Local
Government
Board.

58.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Mode of
raising
money.

59. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

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

60. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which

the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. A.D. 1895.

61. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act. Provisions of Public Health Act as to mortgages to apply.

62. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say) :— Periods for payment off of money borrowed.

As to moneys borrowed for the purposes (1) (2) and (3) herein-before mentioned to the extent herein-before prescribed forty-five years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (4) herein-before mentioned ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board such period as they may think fit to sanction.

63. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided always that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of one year from the date of borrowing the same. Mode of payment off of money borrowed.

64. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :— Regulations as to fund.

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed period :

Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in

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which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

- (B) The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

65. The clerk to the Council 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 of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes 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 the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portions of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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66. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Power to re-borrow.

67. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest

Council not to regard trusts.

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A.D. 1895. thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Application of borrowed moneys.

68. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Expenses of execution of Act.

69. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Separate accounts of gas and water undertakings.

70. The Council shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and assistants under this Act.

Application of gas revenue.

71. The Council shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First. In payment of the working and establishment expenses and cost of maintenance of their gas undertaking :

Secondly. In payment of the interest on moneys borrowed by the Council under this Act for the purposes of their gas undertaking :

Thirdly. In providing the requisite instalments or sinking funds under this Act in respect of moneys borrowed by the Council for the purposes of their gas undertaking :

Fourthly. In providing a reserve fund for their gas undertaking if they 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 Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the

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income of the Council from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens :

Fifthly. In improving and extending the gas undertaking :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their gas undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to five hundred pounds.

72. The Council shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

Application
of water
revenue.

First. In payment of the working and establishment expenses and cost of maintenance of their water undertaking :

Secondly. In payment of the interest on moneys borrowed by the Council under this Act for the purposes of their water undertaking :

Thirdly. In providing the requisite instalments or sinking funds under this Act in respect of moneys borrowed by the Council for the purposes of their water undertaking :

Fourthly. In providing a reserve fund for their water undertaking if they 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 Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five hundred pounds and so from time to time as often as such reduction happens :

Fifthly. In improving and extending their water undertaking :

A.D. 1895. And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to five hundred pounds.

As to
deficiency in
receipts.

73. Any deficiency in the revenues or receipts of the Council on account of their gas undertaking or water undertaking shall be from time to time made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

PART VII.

MISCELLANEOUS.

Authentica-
tion of
notices.

74. Where any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication.

Several sums
in one
summons.

75. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in the schedule thereto several sums.

Warrant of
distress to
include
costs.

76. Any court of summary jurisdiction which issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such court and shall be included in the warrant of distress for the recovery of such money.

Liability to
water rate
not to dis-
qualify
justices &c.
from acting.

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

Contracts for
gas and water
not to dis-
qualify.

78. No person entering into any contract with the Council for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the Council or incur any penalty by reason of such contract but any member of the Council concerned directly or indirectly by himself or any partner in any such contract shall not

take part in any vote or proceeding relative thereto at any meeting of the Council. A.D. 1895.

79. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A piece of land at or near Blue Hill in the township of Ambleside-below-Stock in the parish of Windermere in the county of Westmorland containing three thousand seven hundred and fifty-eight square yards or thereabouts bounded as follows On or towards the south by the occupation road leading from Blue Hill to Wansfell Pike and on the east west and north by other part of a field belonging or reputed to belong to Mr. George Cragg and now or late occupied by Mr. Alfred Ward and which said field is numbered 145 on the $\frac{1}{2500}$ Ordnance map for the said parish.

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