



CHAPTER xix.

An Act to enable the Urban District Council of the
Horsforth Urban District in the West Riding of the
County of York to acquire the undertaking of the
Horsforth Waterworks Company and to supply Water
to the said District and adjacent places and for other
purposes. A.D. 1899.
[6th June 1899.]

WHEREAS the district of Horsforth in the west riding of the
county of York (in this Act called "the district") is an
urban district within the meaning of the Local Government Act
1894 and is under the control and management of the Horsforth
Urban District Council in this Act called "the Council":

And whereas by the Horsforth Waterworks Act 1865 the
Horsforth Waterworks Company (herein-after referred to as "the
company") were incorporated and authorised to construct water-
works and supply water within the township of Horsforth: 28 & 29 Vict
c. lxxv.

And whereas by the Horsforth Waterworks Act 1885 the
company were authorised to construct additional works: 48 & 49 Vict
c. clix.

And whereas the authorised capital of the company is twenty-four
thousand pounds in two thousand shares of ten pounds each of
which twenty-one thousand two hundred pounds have been raised
and the company have power to borrow to the extent of five
thousand five hundred pounds and they have borrowed and now owe
four thousand four hundred pounds:

And whereas it is expedient that the water supply of the district
should be in the hands of the Council and that the Council be
therefore authorised to acquire the waterworks of the company:

And whereas it is expedient that the Council be authorised to
borrow money for the purposes of this Act:

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

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And whereas an absolute majority of the whole number of the Council at a meeting held on the fourteenth day of November one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Yorkshire Post and Leeds Mercury newspapers published and circulating in the district (such notices being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district :

And whereas such resolution was published twice in the said newspapers 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 sixteenth day of January one thousand eight hundred and ninety-nine 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 by Schedule III. to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

Short title.

1. This Act may be cited as the Horsforth Urban District Council Waterworks Act 1899.

Provisions
of certain
general Acts
incorporated.

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

The Lands Clauses Acts ;

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

The Waterworks Clauses Act 1863.

Interpreta-
tion.

3. In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings

have in this Act and for the purposes of this Act the same A.D. 1899.
respective meanings ;

“The district” means the Horsforth Urban District ;

“The Council” means the Horsforth Urban District Council ;

“The clerk” means the clerk of the Council ;

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

“The water undertaking” means the water undertaking of the Council ;

“Water revenue” means all net moneys received for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital ;

“The undertaking of the company” means and includes the undertaking works lands easements plant stock in trade and all other property (real and personal) of every description (including things in action and all books plans and documents necessary to enable the Council to carry on the business of the said undertaking and to perform the duties and obligations of this Act) and all rights and privileges under contract or otherwise belonging to or enjoyed or exerciseable by the company ;

“The Horsforth Water Acts” means the Horsforth Waterworks Acts 1865 and 1885 :

For the purposes of this Act in the Acts wholly or partially incorporated with this Act “the undertakers” or “the promoters of the undertaking” means the Council.

4. This Act shall be carried into execution by the Council.

5. The limits of this Act shall be the district.

6. The Council shall within six months after the passing of this Act by notice in writing under their common seal addressed and sent to the secretary of the company or delivered at the principal office of the company require the company to sell and the company shall thereupon sell to the Council the undertaking of the company for such consideration being a sum in gross as the company and the Council may agree or in default of agreement as shall be settled by arbitration in the manner provided by the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement.

7. The sale of the undertaking of the company shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the schedule to this

Act to be
executed by
Council.

Limits of
Act.

Company to
sell their
undertaking
on requisition
of
Council.

Transfer of
undertaking
to be by
deed.

A.D. 1899. Act or to the like effect with such variations and additions as circumstances require and on the execution of that deed by the company the said undertaking shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act as from the first of the usual quarter days of payment whichever of those days shall first happen after the execution of the said deed and shall so vest free as between the company and the Council from all contracts obligations debts liabilities and incumbrances affecting the same and thenceforth the Council shall have and hold the said undertaking The said day of vesting is in this Act referred to as "the transfer day."

The company shall be entitled to their net revenue after payment of all charges and outgoings up to the transfer day and from and after that day the Council shall be entitled to all receipts of the undertaking and pay all outgoings.

Application
of company's
Acts to
Council.

8. From and after the transfer day all the powers rights privileges and authorities of the Company under the Horsforth Water Acts shall be by virtue and subject to the provisions of this Act transferred to and vested in the Council and the Horsforth Water Acts shall be read and have effect as if the Council had been therein named instead of the company subject nevertheless and according to the following exceptions and provisions (namely):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the company's Acts shall not apply to the Council:

(2) None of the provisions of the Horsforth Water Acts or of any Acts incorporated therewith in any manner relating to the share or loan capital of the company or to the accounts of the company or to the constitution meetings or directors of the company shall apply to the Council.

Provisions
incidental
to transfer.

9. With respect to the transfer of the undertaking of the company the following provisions shall have effect (that is to say):—

(1) Until the transfer day the company may exercise all their powers under the company's Acts provided that they shall not borrow any sum or sums of money and the company shall carry on their business as heretofore at their own expense and risk and shall maintain and keep in good repair (reasonable wear and tear excepted) the whole of their undertaking but the company shall not expend or enter into any contract or

engagement involving the expenditure of any money on capital account or for extraordinary repairs without the previous consent of the Council in writing under the hand of the clerk and the Council shall at the transfer day pay to the company all money expended with such consent:

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- (2) The company shall give to the Council and to their officers and servants all such information as may be reasonably required by them respectively with reference to the working of the undertaking of the company and the business of the company.

10. The receipt in writing of three of the directors of the company for any purchase money so to be paid shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof:

Receipt for
purchase
money.

Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of such directors.

11. If any money is payable under this Act to or for the benefit of a person being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council for the same.

Receipts of
guardians
&c.

12. The directors of the company shall hold the purchase money when paid and all other money for the time being belonging to them on trust to pay and discharge thereout all their debts and liabilities and distribute the residue among the shareholders of the company their executors administrators or assigns rateably and in proportion to their respective shares and interests in the undertaking of the company and the directors of the company may exercise all powers necessary for paying and discharging those debts and liabilities and distributing the assets and winding up the affairs of the company.

Application
of purchase
money.

13. All debts rents charges and sums of money which at the time of the transfer are due or owing to or from the company shall be paid discharged settled and satisfied as if this Act had not been passed.

Company's
debts &c. to
be paid.

14. If at the transfer day any action suit or proceeding or any cause of action suit or proceeding is pending or existing against

Pending
actions &c.

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—
against
company.

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 against the Council as and when it might have been continued prosecuted and enforced against the company if this Act had not been passed but not further or otherwise but without prejudice nevertheless to any remedy over against the company under any security or indemnity given by the company to the Council.

Contracts of
company to
be binding
on council.

15. Except as is by this Act or in any agreement made thereunder 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.

Company's
books
evidence as
to share-
holders.

16. The persons who appear in the books of the company to be proprietors of shares in the capital of the company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purposes of the distribution of the company's assets.

Receipt of
executors
of share-
holders to be
a discharge.

17. The receipt of the executors or administrators of a shareholder in the company shall be an effectual discharge to the company and to the directors thereof for so much money as is therein expressed to be received and shall exonerate them from any obligation affecting the shares in respect of which such money is paid.

Payment
into court
by directors.

18. Where the directors of the company are for twelve months after the transfer day unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Yorkshire holden at Leeds under any Act for the time being in force for the relief of trustees.

Winding up
and dissolu-
tion of
company.

19. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed the directors of the company may exercise all powers necessary for winding up the affairs of the company and when and as soon as their affairs have been wound up and all their debts and liabilities

paid and satisfied the company shall be by virtue of this Act A.D. 1899.
dissolved.

20. In addition to any other lands which the Council are under this Act authorised to take or purchase the Council may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their water undertaking any lands within their limits of supply not exceeding in the whole two hundred and fifty acres in extent or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands Provided that the Council shall not deal with such lands so as to permit or create a nuisance nor use any such lands for any building except buildings required for the water undertaking.

Purchase of
land by
agreement.

21. 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 persons other than the grantors 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 rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Power to
take ease-
ments &c.
by agree-
ment.

22. The consideration for any such acquisition may be either in money or land or a mixed consideration of money and land and on any exchange the Council may give or take any money for equality of exchange :

Considera-
tion for such
acquisition.

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act had not been passed.

23. The Council shall not under the powers of this Act purchase or acquire 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.

If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the

A.D. 1899. Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Council may
lease &c.
lands of
undertaking.

24. The Council may with the consent of the Local Government Board demise and lease for any terms not exceeding seven years in possession and also absolutely sell and dispose of to such persons and in such manner as the Council think fit any lands houses and property acquired under the powers of this Act which they do not require for the purposes of their water undertaking and on the lease or sale by the Council of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or 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 as they think fit.

Form and
service of
notices by
Council.

25. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Council being affixed thereto or stamped thereon and any such notice may be served on such person either personally or by post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Contracts for
supplying
water in
bulk.

26. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company

or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of the local authority or of any company supplying water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act The Council may for the purposes aforesaid exercise the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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27. Notwithstanding anything in this Act contained the Council shall not either directly or indirectly supply any water nor enter into any contract with any corporation district council company or person whereby any water may be either directly or indirectly supplied or used within the limits of water supply of the Lord Mayor aldermen and citizens of the city of Leeds nor within any county district parish or place within which water is at the time of the passing of this Act either directly or indirectly supplied by the said corporation of Leeds or within which they are entitled to provide such supply except in each of the several cases aforesaid with the consent in writing of the said corporation of Leeds.

For pro-
tection of
Leeds
Corporation.

28. The Council may from time to time (in addition to any other moneys they are now authorised to borrow) borrow at interest on the security of the water revenue and the district fund and general district rate and for the following purposes the following sums not exceeding in the aggregate the sum of sixty thousand pounds (that is to say):—

Power to
borrow.

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose ;

For the purpose of acquiring the undertaking of the Company such sum as shall be equal to the amounts to be paid by the Council to the company under the provisions of this Act ;

For new mains and extensions of mains and service pipes such sum as the Local Government Board may sanction :

Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

A.D. 1899.
Provisions
as to
mortgages.

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

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

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

Repayment
of borrowed
moneys.

30. The Council shall pay off all moneys borrowed by them under the powers of this Act within the following periods (that is to say):—

As regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within any period not exceeding five years from the time of the borrowing thereof;

As regards money borrowed for the purchase of the undertaking within any period not exceeding fifty years from the transfer day;

As regards money borrowed for other purposes within such period not exceeding forty years from the time of the borrowing thereof as the Local Government Board may prescribe:

And such repayments shall be made 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:

The sinking fund shall be formed by setting apart in every year out of the water revenue or the district fund and general district rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed (so far as they are repayable by means of a sinking fund) within the periods by this Act prescribed in relation thereto respectively:

The first payment by instalments or to the sinking fund for repayment of borrowed moneys shall be made on or before the thirty-first day of March next following the expiration of one clear year after the date of the borrowing of the money in respect of which such payment is to be made:

The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys

for the repayment of which the sinking fund was set apart in such order and manner as they deem proper : A.D. 1899.

Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-after prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based ;

That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Council may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto ;

That if and so often as the interest in any year derived from such investment is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

31. 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 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 re-borrow the same and so from time to time Provided that 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.

A.D. 1899.
Proceeds of
sale of
surplus
lands.

32. The Council shall apply all moneys received from the sale of lands or by way of fines or premiums on any leasing or letting of lands under the powers of this Act in extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking
funds may
be adjusted
in certain
events.

33. If the Council out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to
borrow
under Local
Loans Act
1875.

34.—(1) The Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Council in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act.

(2) The sections of this Act the marginal notes whereof are—

“Repayment of borrowed moneys”;

“Sinking funds may be adjusted in certain events”;

“Sinking fund how to be invested”;

“Return respecting sinking fund to Local Government Board”;

shall extend and apply to and in relation to all moneys borrowed by the Council for the purposes of this Act under the powers of the Local Loans Act 1875.

Sinking fund
how to be
invested.

35. All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debenture stock or other security issued under the authority of any Act of Parliament by any local authority as defined by

section 34 of the Local Loans Act 1875 other than the Council and not being a security transferable by delivery. A.D. 1899.

36. A person lending money to the Council shall not be bound to inquire as to the observance by the Council of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof. Protection of lenders from inquiry.

37. All mortgages granted by the Council subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act. Priority of existing mortgages.

38. The Council shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say) :— Application of revenue.

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

Secondly In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Thirdly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for their water undertaking ;

Fourthly In providing the requisite instalments appropriations or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act ;

Fifthly 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 or upon any securities in or upon which the Council are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the reserve fund so formed amounts to ten thousand 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 or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens :

A.D. 1899. — And the Council shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Council not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to ten thousand pounds :

The accounts of the Council kept in accordance with the provisions of this section shall be audited with the same incidents and consequences as the accounts of the Council are audited under the provisions of the Public Health Act 1875.

As to deficiency in receipts.

39. Any deficiency in the revenues and receipts of the Council on account of their water undertaking shall be from time to time made good out of the first general district rate made after the deficiency is ascertained in such manner as the Council may from time to time determine.

Application of money borrowed.

40. All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Return respecting sinking fund to Local Government Board.

41.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding

the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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

Byelaws for preventing waste of water.

(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste 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 the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made:

(3) 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 water fittings belonging to or used by such person and not being in accordance with the requirements of such

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byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable :

(4) The byelaws and regulations of the company for the purpose of preventing waste undue consumption misuse or contamination of the water shall continue in force until the Council make new byelaws under the provisions of this section.

Liability to
water rent
not to
disqualify
justices &c.

43. No justice or judge of any Court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of
summons
&c.

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

Inquiries by
and expenses
of Local
Government
Board.

45.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this 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.

Costs of
Act.

46. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of moneys to be borrowed for the purpose under the provisions of this Act.

[62 VICT.]

*Horsforth Urban District Council
Waterworks Act, 1899.*

[Ch. xix.]

The SCHEDULE referred to in the foregoing Act.

A.D. 1899.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY
TO COUNCIL.

In pursuance of and subject to the provisions of the Horsforth Urban District Council Waterworks Act 1899 and in consideration of
the Horsforth Waterworks Company do hereby grant convey and assign their undertaking unto the Horsforth Urban District Council to hold the same unto them their successors and assigns as from the day of one thousand eight hundred and ninety- and the Horsforth Urban District Council do hereby accept the same accordingly.

In witness whereof the parties hereto have hereunto set their respective common seals this day of one thousand eight hundred and ninety-

L.S.

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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