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*Nuneaton and Chilvers Coton Urban
District Council Waterworks Act, 1899.*

[Ch. xxi.]



CHAPTER xxi.

An Act to authorise the Nuneaton and Chilvers Coton Urban District Council to construct additional waterworks and for other purposes. A.D. 1899.
[6th June 1899.]

WHEREAS the urban district of Nuneaton and Chilvers Coton in the county of Warwick is governed for local and sanitary purposes by the urban district council for that district (in this Act referred to as "the district council") :

And whereas by the East Warwickshire Waterworks Act 1882 (in this Act called "the Act of 1882") the East Warwickshire Waterworks Company were incorporated and empowered to construct waterworks and to supply water to the town and parish of Nuneaton and certain other parishes and places in the county of Warwick which limits include the whole of the district of Nuneaton and Chilvers Coton :

And whereas by the East Warwickshire Waterworks Act 1897 (in this Act called "the Act of 1897") the district council were authorised to purchase the undertaking of the East Warwickshire Waterworks Company upon the terms and conditions set forth in the agreement scheduled to that Act and by the same Act the district council were authorised to construct other works for the supply of water within their district and to borrow money for the purpose :

And whereas for the purpose of enabling the district council to provide a better supply of water to their district it is expedient that they should be authorised and empowered to make construct and use the works herein-after described and for that purpose to apply the moneys which they were authorised to raise by the Act of 1897 :

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And whereas it is expedient the district council be empowered to abandon and relinquish the construction of the works authorised by the Act of 1897 and for which the works in this Act described are to be substituted in manner herein-after provided :

And whereas the district council were authorised by section 37 of the Act of 1897 to demand and take the increased water rents and charges therein mentioned on the completion of the works by that Act authorised and it is expedient that the district council should be empowered to demand and take such increased rents and charges on the completion of the works by this Act authorised :

And whereas plans and sections of the works authorised by this Act the plans also showing the lands which may be taken under the powers of this Act and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Warwick and are in this Act referred to as the deposited plans sections and book of reference :

And whereas an estimate has been prepared by the district council for the purchase of lands and the execution of the works by this Act authorised and such estimate amounts to the sum of fifteen thousand pounds :

And whereas the works included in such estimate 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 members of the district council at a meeting held on the sixteenth day of November one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the *Nuneaton Observer* a local newspaper published and circulating in the district of the district council such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate water rates and charges for water supplied and to be supplied by the district council :

And whereas that resolution was published twice in the *Nuneaton Observer* of the eighteenth and twenty-fifth days of November one thousand eight hundred and ninety-eight a local newspaper circulating in the said district and has received the approval of the Local Government Board :

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And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the district council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of such Bill in Parliament: A.D. 1899.

And whereas the owners and ratepayers of the district of the district council 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 purposes of this Act cannot be effected without the authority of Parliament:

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

1. This Act may be cited for all purposes as the Nuneaton and Chilvers Coton Urban District Council Waterworks Act 1899. Short title.

2. 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 general Acts.

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except section 83 thereof and the Waterworks Clauses Act 1863 with the exception of the words in the forty-fourth section of the former Act "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and 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.

3. For the purposes of the Act of 1882 the Act of 1897 and of this Act the Waterworks Clauses Act 1847 as incorporated with such Acts respectively 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 of that Act. Amendment of s. 44 of Waterworks Clauses Act 1847.

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Interpreta-
tion.

4. 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 this Act and in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The Undertakers” or “the Company” means the district council;

“The district” means the urban district of Nuneaton and Chilvers Coton;

“The ‘district fund’ and “the general district rate” mean respectively the district fund and the general district rate of the district.

Power to
make water-
works.

5. Subject to the provisions of this Act and upon the lands delineated on the deposited plans and described in the deposited book of reference the district council may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks and other works following in the county of Warwick (that is to say):—

(1) A well shaft or boring with pumping station engines and boiler houses and other buildings and appliances situated in the parish of Nuneaton on certain pieces or parcels of land belonging or reputed to belong to James Tomkinson and in the occupation of Messrs. Stanley Brothers Limited being a portion of the inclosure numbered 279 and a portion of the inclosure numbered 452 on the 25-inch Ordnance map (1887 edition) :

(2) A conduit or line or lines of pipes (A) (with branch main connecting with the existing reservoir of the district council) in the parish of Nuneaton commencing at the well shaft or pumping station before described thence proceeding in a westerly direction under the Stockingford Branch of the Midland Railway and also under the Midland Railway from Birmingham to Leicester and proceeding thence in a westerly and south-westerly direction and terminating at the existing reservoir and filter beds of the district council :

(3) A well shaft or boring with pumping station engine and boiler-houses and other buildings and appliances to be situated

in the parish of Nuneaton on a piece of land belonging or reputed to belong to Sir Alfred Hickman and in the occupation of Edward Grimes such piece of land forming the inclosure numbered 402 on the 25-inch Ordnance map (1887 edition):

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(4) A conduit or line or lines of pipes (B) (with branch main connecting with the existing reservoir of the district council) commencing in the parish of Nuneaton at the well shaft or boring lastly before described proceeding thence in a westerly and south-westerly direction and terminating at the existing reservoir and filter-beds before mentioned belonging to the district council:

(5) A conduit or line or lines of pipes (C) (with branch main connecting with the existing reservoir of the district council) also in the parish of Nuneaton commencing at the existing reservoir and filter-beds of the district council and proceeding in a northerly direction under the Midland Railway and terminating near the Tunnel Colliery on the road leading from Ansley to Chapel End:

Together with all necessary and proper embankments dams bye-washes culverts tunnels cuts shafts bridges communications road approaches drains outfalls overflows sluices tanks reservoirs filter-beds engines pumps conduits catchwaters weirs pipes junctions valves telegraphs telephones and other means of electric communication houses buildings and other apparatus and conveniences connected with or ancillary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing using and managing the same:

Provided that any telegraphs telephones or other means of electric communication constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

6. Subject to the provisions of this Act the district council may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may for the purposes of their waterworks take intercept collect impound use divert and appropriate all such waters as may be intercepted or abstracted by means of any of the waterworks before described.

Power to
take lands
and waters

A.D. 1899.

Power to deviate.

7. In the construction of the works by this Act authorised the district council may deviate from the lines of the respective works to the extent of the limits of deviation shown in each case on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for compulsory purchase of lands.

8. The powers of the district council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Time for completion of works.

9. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the council from renewing extending enlarging altering adding to reconstructing or removing any of their works or plant as occasion may require.

Power to take additional lands by agreement.

10. The district council may for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take compulsorily but the district council shall not create or permit any nuisance on any such lands and such lands shall not be used for any buildings except buildings required for or used in connexion with the water undertaking of the district council.

Applying certain provisions of Act of 1897.

11. The provisions of the following sections of the Act of 1897 shall *mutatis mutandis* extend and apply to the waterworks by this Act authorised and to the district council as fully and effectually as if they had been re-enacted in this Act (that is to say):—

Section 26 Council may acquire easements only in certain lands :

Section 30 Power to grant easements &c. :

Section 31 Sale of superfluous lands :

Section 33 Restriction on taking houses of labouring class except that the fifteenth of December next before the passing of this Act shall be substituted for the fifteenth December one thousand eight hundred and ninety-six mentioned in that section.

Waterworks authorised by this Act to form part of water undertaking of district council.

12. Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes form and be part of the water undertaking of the district council.

13. For the construction of the works by this Act authorised and the other purposes of this Act the district council may exercise the borrowing powers conferred upon them by section 11 subsection (1) (c) of the Act of 1897 as fully and effectually as if the works by this Act authorised had been authorised by that Act and as if the purposes of this Act were purposes of that Act.

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 Borrowing powers under Act of 1897 may be used for purposes of this Act.

14. From and after the completion of the works by this Act authorised the district council may demand and take for supplies of water for domestic purposes the rents and charges mentioned in section 37 of the Act of 1897 and that section shall be read and have effect accordingly.

Rents and charges authorised by s. 37 of Act of 1897 may be taken.

15. In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works for the supply of water within the water limits by the district council upon across over under or in any way affecting the railways belonging to any railway company or the bridges approaches viaducts or level crossings of or repairable by any railway company the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of such company and according to plans and sections previously submitted and reasonably approved of by him and in all things by and at the expense of the district council who also shall restore and make good the roads over any such bridges level crossings and approaches which such company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the district council and all such works matters and things shall be executed and done so as not to cause any injury to such railways bridges level crossings approaches or viaducts or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway siding bridge or level crossing the district council shall make compensation in respect thereof to such company the amount of such compensation together with full costs to be recoverable from the district council by all and the same means as any simple contract debt is recoverable.

For protection of railway companies.

16. Section 22 of the Act of 1897 authorising the district council to construct the works referred to in that section is by this Act repealed.

Abandonment of works authorised by Act of 1897.

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Costs of
Act.

17. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act including the costs charges and expenses incurred in complying with the provisions of the Borough Funds Act 1872 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the district council out of any moneys in their hands but shall be recouped by and charged to the moneys borrowed under the provisions of this Act or the Act of 1897 and any moneys borrowed for the purposes of this section shall be repaid within ten years from the borrowing of the same.

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