

4 *The Burley-in-Wharfedale Urban District Water Act 1899.*

Incorporation of Acts.

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 :—

The Lands Clauses Acts :

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The Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except the words in Section 44 "with the consent in 10 writing of the owner or reputed owner of any such house or of the agent of such owner" and except Section 83 of the last-mentioned Act).

Interpretation of terms.

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

"The district fund" and "general district rate" mean respectively the district fund and the general district rate of the district :

"The Clerk" means the clerk of the Council.

Execution of Act.

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

Limits of Act for water.

5. The limits of this Act for the supply of water shall be the 20 district.

New works to form part of the existing waterworks undertaking.

6. Subject to the provisions of this Act the waterworks to be constructed and acquired under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the existing waterworks and to be comprised in 25 the waterworks undertaking of the Council and the special and general Acts regulating the said undertaking shall be construed and applied accordingly.

Power to construct works.

7. Subject to the provisions of this Act the Council may wholly in the township of Burley in the parish of Otley in the West Riding 30 of the county of York and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited

book of reference make and maintain the following works shown on the deposited plans and sections (that is to say) :—

5 Work No. 1 a reservoir to be called Carr Bottom Reservoir to be situate on Carr Beck on Burley Common to be formed by a dam across the said Beck.

Work No. 2.—A line of pipes commencing at the said Carr Bottom Reservoir in or near the said Carr Beck and terminating in the inlet valve shaft of the existing reservoir of the Council situated at Hollin Nook.

10 Work No. 3. —A line of pipes commencing by a junction with Work No. 2 aforesaid in Moor Lane and terminating at or near the intersection of that road by the said Carr Beck.

8. The Council in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain
15 all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells tanks filter-beds dams walls bridges roads approaches engines machinery buildings and appliances necessary or convenient to the said works or for the inspection maintenance cleansing and working the same. Power to make subsidiary works.

20 9. In the construction of the works by this Act authorised the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate verti-
25 cally from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir five feet upwards and ten feet downwards and in the case of all other works to any extent not exceeding five feet upwards and ten feet downwards provided as follows (that is to say) :— Limits of deviation.

30 (1) If it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of the dam the Council may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such dam

6 *The Burley-in-Wharfedale Urban District Water Act 1899.*

reservoir and works as shown with reference to the datum line to any extent but

(2) The Council shall not construct the dam of such reservoir of a greater height above the surface of the ground than that shown on the deposited sections in respect of the corresponding dam and three feet in addition. 5

(3) Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground except so far as is shown on the deposited sections. 10

Power to take lands.

10. Subject to the provisions of this Act the Council may enter upon take and use compulsorily or by agreement such of the lands shown on the deposited plans and described in the book of reference as they require for the purposes of this Act.

Power to acquire additional lands.

11. Subject to the provisions of this Act the Council in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say) :-- 15

(1) Certain lands situate on Burley Common otherwise Burley Moor in the township of Burley in the parish of Otley in the West Riding of the county of York together with the two reservoirs and waterworks thereon erected known as and consisting of Higher Lanshaw Reservoir and Lower Lanshaw Reservoir with the catchwaters diversions cuts and other works connected therewith respectively together with all water rights and other rights therein or appertaining thereto or held and enjoyed therewith belonging or reputed to belong to Sophie Crofton Widow of the Hall Burley-in-Wharfedale aforesaid or her trustees Wilfrid Henry Hudleston of Cayton Hall near Ripley in the county of York Esquire and William Heinikin Horsfall of Westhorpe Great Smeaton Northallerton in the county of York Esquire (hereinafter called "the trustees"). 20 25 30

(2) Certain areas of land on Burley Common aforesaid viz. :—

(A) An area of land for the purposes of the said Carr Bottom Reservoir not exceeding eleven acres.

(B) An area of land around Higher Lanshaw Reservoir.

6 (C) An area of land around Lower Lanshaw Reservoir.

The said areas (B) and (C) not to exceed in the aggregate five acres.

Together with all rights and interests therein provided that any fences hereafter erected under the powers of this Act for
10 the protection of the reservoirs shall consist of either open iron or post and rail fences not exceeding 4 feet in height and shall be erected as near to the edge of the respective reservoirs as is practicable.

12. (1) The Council shall not without the consent of the
15 **Menstone Waterworks Company Limited** or their successors take or use any of the lands on Burley Moor described in the deposited plans and lying east of the line F G delineated with the red colour on the plan signed in duplicate by Alfred Baldwin Esquire the Chairman of the Committee of the House
20 of Commons to whom the Bill for this Act was referred nor shall they without the like consent appropriate either directly or indirectly any water which may be or be found in or under any such lands lying east of the said line.

For protection of Menstone Waterworks Company Limited.

(2) The said plans signed as aforesaid shall within six
25 months after the passing of this Act be deposited in the Private Bill Office of the House of Commons and in the office of the Council and copies of the plan deposited in the office of the Council in pursuance of this section and certified by the Clerk to be true copies shall be received in all Courts of
30 Justice and elsewhere as prima facie evidence of the contents of such plan.

13. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the streams known as Carr

Power to take waters.

8 *The Burley-in-Wharfedale Urban District Water Act 1899.*

Beck and Coldstone Beck and all such springs streams and waters on Burley Common aforesaid as are will or may be intercepted by the works by this Act authorised to be acquired or constructed or as may be found in on or under any of the lands for the time being belonging to the Council.

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For the protection of Mrs. Sophie Crofton.

14. For the protection of the said Sophie Crofton or other the Lord or Lady for the time being of the Manor of Burley (all of whom are hereinafter referred to as the owner) the rights of fowling and sporting in and over the Carr Bottom Higher Lanshaw and Lower Lanshaw Reservoirs respectively and upon any lands 10 belonging to the owner which may be taken by the Council under the powers of this Act are exclusively reserved to the owner and for that purpose the owner and any person authorised by the owner shall have free access to the same and may carry away and appropriate all game and other birds and fowl taken or killed 15 thereon provided nevertheless that rights by this section reserved shall not be exercised so as to injure the dam or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Council at all times to draw off the water from the reservoir and to do all such acts and 20 things as may be necessary for cleaning repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled.

Council may acquire easements only in lands for certain purposes.

15. Subject to the provisions of this Act the Council may purchase take and use compulsorily or by agreement any rights or 25 easements in under over or connected with any lands houses or buildings delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works hereby authorised or of this Act. Provided always that nothing herein contained shall authorise the 30 Council to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or right only and every notice to treat for the acquisition of an easement or right 35 shall be endorsed with notice of this proviso : Provided also that as regards any lands taken or used by the Council for the purpose of

constructing or laying any aqueducts conduits or lines of pipes therein where the same are laid underground the Council shall not (unless they purchase such lands and not merely easements or rights therein) be required or (except where otherwise agreed with the
5 owners and occupiers of such lands) entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being of such lands shall (except where otherwise agreed) at all times except during the construction cleansing
10 renewal or repair of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council.

16. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the
15 expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

17. The Council may from time to time for the purposes of this Act take by agreement and hold in addition to the lands which they are authorised to take by compulsion any lands within the limits of this Act for the supply of water not exceeding in the whole
20 at one time fifteen acres or any easement or right (not being an easement or right to take water in which others than the parties to the agreement have a right or interest) in or over such additional land but no buildings shall be erected on such lands except buildings required in connection with the waterworks of the Council. Power to acquire additional lands by agreement.

25 18. In addition to the lands springs streams water easements and rights which the Council are by this Act otherwise authorised to purchase the Council may from time to time 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
30 nuisances encroachment or injury take by agreement and hold any lands near the said Carr Bottom Reservoir and within the present drainage area of the said Carr Bottom Reservoir and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but
35 the Council shall not so long as the same are held by the Council create or permit the creation of any nuisance upon such lands and Power to take additional lands by agreement for protection of works.

10 *The Burley-in-Wharfedale Urban District Water Act 1899.*

no buildings shall be erected on such lands except buildings required in connection with the waterworks of the Council.

Power to take easements &c. by agreement.

19. 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 or right to take water in which persons other than the parties to the agreement have any right or interest) required for the purpose of constructing the works hereby authorised or for other purposes of this Act or for the purposes of the water undertaking of the Council and the provisions of the said Acts with respect to lands and rent charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. 5 10

Power to retain lands.

20. The Council may retain hold and use for such time as they think fit any lands purchased by them or taken by them under the powers of this Act for the purposes of this Act or of their undertaking and so long as 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 so long as the same are held by the Council create or permit the creation of any nuisance upon such lands and no buildings shall be erected upon such lands except buildings required in connection with the waterworks of the Council. 15 20

Application of moneys from sale &c. of land.

21. The Council shall apply all moneys received from time to time by them in respect of any sales or dispositions of lands and premises authorised by this Act or any of the Acts incorporated herewith or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act: Provided that such proceeds shall not be applicable to the payment of instalments appropriations or other annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. 25 30

As to compensation water.

22. (1) The Council shall before they commence to abstract or appropriate any of the waters authorised to be taken by this Act 35

permit or cause to flow as compensation water down the stream affected not less than eighteen thousand six hundred gallons during the twenty-four hours of each day. The said flow shall be regular and continuous throughout each day.

18600

6 (2) The Council shall before they appropriate or abstract any of the water by this Act authorised to be taken construct and for over after maintain suitable measuring gauges at or near the Carr Bottom Reservoir over or through which the said compensation water shall flow and the same shall be open to the inspection and examina-
10 tion of all persons interested therein and of the County Council of the West Riding of Yorkshire and their officers and Agents.

(3) In case of any neglect on the part of the Council to maintain any such gauges in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of com-
15 pensation water shall not so flow the Council shall for every day on which such neglect occurs forfeit and pay upon summary conviction to the County Council and to each of the persons affected thereby (who may sue for and recover the same within one month after such failure) the sum of five pounds but not exceeding in the
20 whole twenty-five pounds in respect of any one day in which such failure shall occur.

(4) The provisions of this section shall be accepted and taken as full compensation for all water by this Act authorised to be diverted taken used and appropriated by the Council for the
25 purposes of their water undertaking.

23.—(1) All water supplied by the Council whether in bulk or otherwise and used for dietetic purposes shall not act on lead in a manner injurious to public health and if in the opinion of the Medical Officer of the County Council it shall be proved to act in
30 such manner it shall before delivery be efficiently and continuously filtered through such material or shall be so chemically treated as to prevent the action of such water on lead or on any material used for the construction of pipes cisterns or other receptacles into the manufacture of which lead enters in a manner injurious or liable to
35 prove injurious to public health.

For pre-
vention of
plumbism.

(2) On the receipt of such opinion of the said Medical Officer of the County Council the Council shall forthwith construct and thenceforward maintain the necessary apparatus and appliances to prevent such action.

(3) If after due notification the Council shall fail to construct such apparatus or appliances or apply such treatment as shall efficiently prevent such action or shall fail thenceforward to efficiently maintain the same or shall at any time supply water in such a condition as to be capable of such action they shall be liable to a penalty not exceeding ten pounds for every day on or on any part of which any infringement of this section shall occur and such penalty shall be recoverable summarily at the instance of the County Council. 5 10

(4) For the better enforcement of the provisions of this section any person duly authorised by the County Council may at any time enter on the property of the Council for the purpose of inspecting the apparatus and appliances and materials used for filtering or treating the water as the case may be and may take samples of the water in duplicate and shall thereupon before he carries away the same from the property of the Council seal up and mark such samples and shall leave one of such samples with the person if any in charge of the property and any person who molests hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence. 15 20

Restrictions
on taking
labouring-
class
houses.

24. The Council shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which on the fifteenth day of December last were or have been since that date or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. 25 30

If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and from part of the Consolidated Fund of the United Kingdom: Provided that the Court may if it think fit reduce such penalty. 35