

THE BRANXHOLM WATER ACT, 1915.

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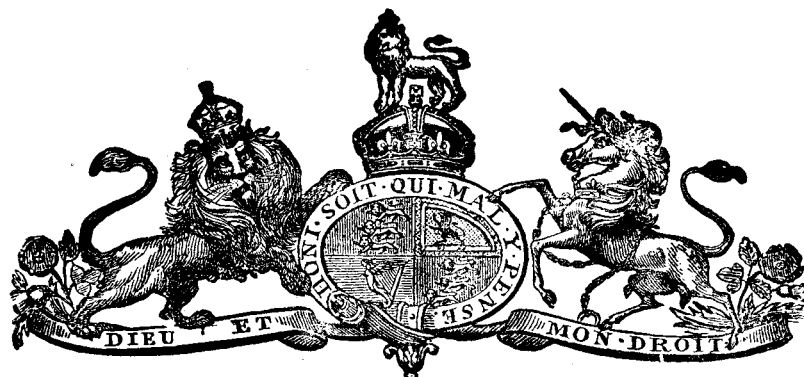
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T A S M A N I A.



1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 32.

AN ACT to make provision for a Supply of ^{A.D.} 1915.
Water for the Town of Branxholm within
the Municipality of Ringarooma, and to
authorise the Loan of Two thousand Pounds
to the Warden, Councillors, and Electors of
the said Municipality, in accordance with
the provisions of "The Local Public Works
Loans Act, 1890," and for other purposes.

[13 January, 1916.]

WHEREAS it is expedient to make legislative provision to ensure a supply of pure water for the use of the inhabitants of that part of the Municipality of Ringarooma known as the Town of Branxholm, and in this Act referred to as "The Water District," and the Warden, Councillors, and electors of the said Municipality are desirous of obtaining the necessary moneys for that purpose: PREAMBLE.

And whereas at a special meeting of the Council of the said Municipality held on the Fourth day of November, One thousand nine hundred and fourteen, a resolution was passed that a supply of pure water be laid on to the said Water District, and that a loan of Two thousand Pounds be raised for the said purpose:

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And whereas a notice under the hands of the Warden and Three Councillors of the said Municipality of the said resolution passed at such special meeting of the Council, together with a full description of the lands comprised in the said Water District, the amount which it was proposed to borrow, and the rate proposed to be levied, was published in the "Gazette" of the Twenty-fourth day of November, One thousand nine hundred and fourteen; such notice calling for Five or more ratepayers residing in the said Water District to demand a poll to decide the question whether or not such loan should be incurred :

And whereas a poll was duly demanded in accordance with such notice :

And whereas a poll of the ratepayers residing within the said Water District, or those entitled to vote in respect to property herein, was taken at Branxholm on the Twenty-second day of December, One thousand nine hundred and fourteen, for the purpose of ascertaining whether an amount of Two thousand Pounds shall be borrowed by the Ringarooma Municipal Council to make provision for the better supply of pure water for the Town of Branxholm and vicinity, and the question was decided in the Affirmative, the votes being recorded as follows :—Forty-six in favour; Twelve against; and Three informal :

And whereas the poll so held is sufficient for the purposes of this Act :

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Division of Act.

1 This Act is divided into Ten parts, as follows :—

Part I.—Preliminary.

Part II.—District.

Part III.—Power of Council in Construction of Works.

Part IV.—Compensation for Damage done in Execution of Works.

Part V.—Supply of Water.

Part VI.—Power to Borrow.

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Part VIII.—Waste or Misuse of Water.

Part IX.—Offences.

Part X.—By-laws.

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PART I.

PRELIMINARY.

- 2** This Act may be cited as "The Branxholm Water Act, 1915." Short title.
- 3** In this Act, and in any by-laws made thereunder, unless the context otherwise determines—
- Interpretation.
- "Assessment roll" means so much of the annual values assessment roll of the Municipality of Ringarooma for the time being in force as comprises all properties within the Water District : "Assessment roll."
- "Property" includes lands and buildings : "Property."
- "Street" extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place in the Water District : "Street."
- "The Council" means the Municipal Council of the Municipality of Ringarooma : "The Council."
- "The Corporation" means the Warden, Councillors, and the electors of the Municipality of Ringarooma : "The Corporation."
- "Waterworks" or "works" extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, watercourses, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, weirs, embankments, pumps, culverts, meters, pipes, pipe-breaks, engines, buildings, piers, supports, and all other works of what nature and kind soever which are from time to time necessary or used for effecting the purposes of this Act : "Waterworks" or "works."
- "Water District" means the Water District established by Section Four of this Act, and any additional area or areas which may from time to time be added to it, provided by that section : "Water district."
- "Land" includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege over, in, or in connection with land. "Land."

PART II.

DISTRICT.

- 4** The area of land hereinafter described (being part of the Municipality of Ringarooma) shall be and form the Water District for the purposes of this Act; namely, all that area of land situate within the following boundaries, namely:—Commencing "The water district."

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at the north-east corner of the Town of Branxholm thence southerly to the south-east angle of Lot 4 Section E of the said town thence westerly to the north-east angle of Lot 27 Section E of the said town thence southerly to a point east of the south-west corner of Lot 4 Section H of the said town thence west to the said south-west corner of Lot 4 Section H aforesaid thence further west for a distance of Ten chains Sixty links thence north 15 degrees west to a point on the southern boundary of the railway-station reserve at Branxholm thence along the southern boundary of the said railway-station reserve to the south-west corner of the said railway-station reserve thence to the north-west corner of the said railway-station reserve thence along the northern boundary of the said railway-station reserve to the north-east corner of the said railway-station-reserve and thence to the north-west corner of the Town of Branxholm and thence easterly to the commencing point.

But the Council may from time to time, at the request of a Two-thirds majority of the electors within any area within the Municipality of Ringarooma proposed to be added, declare by special resolution that any such area shall be added to the Water District, and thereupon such area shall be included in and form part of the Water District; and every owner or occupier of property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the Water District.

PART III.

POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

Power to divert
water.

5 Subject to the provisions herein contained, the Council is hereby empowered and authorised from time to time to take, divert, and appropriate, within or adjacent to the Water District, from Snapper and Poverty Creeks, and other rivulets and streams flowing through or bounding the Water District, and at such point or points as the Engineer-in-Chief of this State may approve, such quantity of water as shall be required for the purposes of this Act.

Power to enter
and construct
works

6 For the purpose of taking, diverting, and appropriating such water as aforesaid, it shall be lawful for the Council from time to time to enter upon the said creeks and other rivulets and streams, and upon the banks and beds thereof, and, at such sites as the said Engineer-in-Chief may approve for the purpose, to construct and erect on and in any portion of the said banks and beds, and from time to time (if necessary) to maintain, alter, and repair, such works as shall be necessary for the purposes of such taking, diversion, and appropriation as aforesaid, and in order to give effect to the objects of this Act.

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7 It shall be lawful for the Council to use all or any portion of such water as aforesaid for any of the purposes hereinafter specified, viz. :—

- I. To supply the inhabitants of the Water District and other places with water for domestic and manufacturing purposes, and for motive power, and for irrigation :
- II. To supply the Crown, or any public or corporate body, or any company, or any person with water for motive power or any other purpose.

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Purposes for which water taken may be used

8 The Council is hereby empowered to purchase, lease, or acquire, upon any terms or conditions it deems advisable, any land or any corporeal or incorporeal hereditaments, or any chattel or interest whatsoever which it deems advisable for the purposes of this Act, and which it may think proper to purchase, lease, or acquire, including any water-power and power-producing machinery and any rights and privileges accessory to the same; and the Council is also empowered to dispose of the same or any part thereof by sale, lease, or otherwise to any person or persons for any purpose whatsoever.

Construction of works.

9 The Council is also hereby empowered to compulsorily purchase any land and to compulsorily acquire any rights and easements which it may consider necessary for the purposes of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of rights or easements, " The Lands Clauses Act " shall be incorporated with this Act, except as varied by this Act, and except Sections Eight and Nine of that Act; and in the construction of this Act and " The Lands Clauses Act " this Act shall be deemed to be the special Act, and the Council shall be deemed to be the promoter of the undertaking.

Purchase of land and acquisition of easements.

10 The Council is also empowered to dispose of any lands, rights, or easements compulsorily acquired, or any part thereof, by sale, lease, or otherwise, to any person or persons for any purpose whatever.

Power to dispose of land.

11 For the purposes of this Act it shall be lawful for the Council to enter upon any land, and to take levels of the same, and to set out such parts of such lands as the Council may think necessary, and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act.

Entry upon land.

12 It shall be lawful for the Council from time to time to make, erect, construct, lay down, maintain, alter, or discontinue upon any land as the Council thinks necessary for the purposes of this Act, such works, and such buildings, machinery, apparatus, and appliances as the Council may think necessary for the purposes of this

Construction of works and buildings, &c.

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Act; and also to enter into any contract concerning the same that it may deem advisable; and also with the consent of the Governor to dispose of any such works by sale, lease, or otherwise, whenever it shall deem it advantageous so to do.

Council to give notice prior to first entry upon land.

13 Prior to the first entry upon any land by the Council for the purposes of this Act, not less than Three days' notice of the intention of the Council to enter shall be given by the Council to the owner and occupier (if any); but no notice shall be necessary previous to any subsequent entry by the Council upon such land for the purposes of this Act.

If compensation excessive, Council may give up land.

14 Where the Council gives notice of its intention to take land, rights, or easements, for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Council deems it inexpedient to pay the amount of compensation so determined, it may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the firstmentioned notice on payment of all costs of reference and award, and shall after such withdrawal cease to be liable for the amount of compensation so determined.

Power to break up streets, &c., and to open drains.

15 The Council may from time to time open and break up the soil and pavement of any street within the Water District, and erect or lay down in and upon or under such streets, and maintain and use for the purpose of distributing and supplying water, and from time to time alter and discontinue such machinery, posts, pipes, piers, supports, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act.

Streets, &c., broken up to be reinstated without delay.

16 Whenever the Council opens or breaks up any street, sewer, drain, or tunnel, under the authority of this Act, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

PART IV.

COMPENSATION FOR DAMAGE DONE IN EXECUTION OF WORKS.

Council to do as little damage as possible.

17 In the exercise of the powers conferred by this Act, the Council shall do as little damage as can be, and in all cases where possible shall make good such damage.

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18 The Council shall make compensation in manner hereinafter provided to all parties lawfully claiming any right to the use of any water taken or diverted or appropriated by the Council under the authority of this Act, or lawfully interested in any land, other than land purchased by the Council in or upon which any works may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the works under this Act, or otherwise by the execution by the Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Council by this Act.

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Council to make compensation for damage done in execution of works.

19 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council and served upon the Council Clerk thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land or water in respect to which the claim is preferred, and if any such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall, except in the case hereinafter mentioned, be determined by arbitration, in the manner provided for by "The Lands Clauses Act" in cases of disputed compensation, or at the option of either the Council or claimant, by a judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim, and the amount of such compensation to be paid in such case shall be ascertained by the judge in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose. And all costs of all proceedings taken under this Act before a judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable, as in equity.

Persons damaged to make claim for compensation.

21 Vict. No. 11.

Compensation, how to be ascertained.

20 In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained.

Regard to be had to any benefit which may accrue.

21 If the Council by notice in writing requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Council by this Act previously to the service of such notice, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers unless he prefer his claim, in manner aforesaid, within Two months after service of such notice.

Persons not making claim when required to be barred.

22 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of

Dissatisfied party may appeal to a judge of the Supreme Court.

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the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Council, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a judge of the Supreme Court, and may have the amount of compensation fixed by a judge of the said court in the manner hereinafter provided.

Notice of appeal
to be given.

23 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the rules made by the judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such rules are applicable, and the amount of compensation to be paid in such cases shall be ascertained by a judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose; and the judge may also, in his discretion, make any order as to the party by whom the costs of the appeal, and also the arbitration appealed from, shall be borne: Provided that a judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

39 Vict. No. 19.

Award not to be
made a rule of
court unless judge
determines matter
in dispute.

24 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a rule of court, nor shall any proceedings other than the appeal be taken thereon, until a judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Land acquired
under this Act not
subject to "The
Lands Clauses
Act."

25 No land acquired or held by the Council under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor, be subject to the operation of "The Lands Clauses Act," or any Act (except this Act) incorporating the whole or any portion of that Act.

Before
commencing
work plans to be
submitted for
approval.

26 Before commencing or undertaking any of the works authorised by this Act, the Council shall lay before the Governor detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor thereupon to refer such plans, sections,

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and specifications to the State Engineer-in-Chief, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor with reference to the probable expense, practicability, and nature of such works; and no such works shall be undertaken until the same have been approved by the Governor, and notice in writing of such approval received by the Council.

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PART V.

SUPPLY OF WATER.

27 The Council shall at the request of the owner or occupier of any land, house, building, or other premises situated within the Water District, the outer boundary of which is within One hundred feet of any main or other pipe laid down by the Council, furnish to such person by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained by the Council at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any fixed bath in any dwelling-house.

Supply of water for domestic use within the district.

28 The Corporation may, if it see fit, furnish to any person in the Water District, or in any other place at which the Council has entered, the necessary works for supplying water under the provisions of this Act, a supply of water for steam-engines, or for warming any dwelling-house or other premises, or for working any machine or apparatus, or for horses or cattle, or for washing carriages, or for gardens, fountains, syphons, or ornamental purposes, or for irrigation purposes, or for any trade, manufacture, or business, whether carried on in any dwelling-house or other premises, or for any other purpose not domestic, such respective supplies being so furnished at such charges, and upon such terms and conditions, as the Council shall from time to time prescribe in any by-law made for that purpose as hereinafter provided; and in the absence of any such by-law, then at such charges and upon such terms and conditions as the Council shall from time to time prescribe in any by-law made for that purpose as hereinafter provided; and in the absence of any such by-law, then at such charges and upon such terms and conditions as may be agreed upon between the Council and the person desiring the same: Provided always, that, as far as possible, the charge for such supply of water shall be uniform to all persons in the same circumstances, and requiring the same extent of supply. The supply of water for any of the purposes mentioned in this section shall not be deemed to be a supply of water for domestic purposes.

Supply of water for other than domestic use.

29 The Council may in its absolute discretion enter into agreements with the head of any department of the State or Commonwealth, or any other person acting for or on behalf of the Crown, or with the owners or occupiers of any property not situate within the Water District, or being within the Water District but not

Agreements for supply of water to Crown properties or properties not within the district.

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appearing upon the assessment roll for the Municipality, for the supply of water to any property belonging to or occupied by the Crown or any department of the State or Commonwealth, or such owners or occupiers as aforesaid, upon such terms as shall be mutually agreed upon; and in the case where the property is not situate within the Water District, the Council shall have the same power of opening and breaking up streets and of laying down pipes and service pipes for supplying such property with water as if it were within the Water District.

Council may erect water troughs.

30 The Council may, if it shall think fit so to do, erect in any street or public place in the Water District troughs for supplying horses and other animals with water, and may provide water for flushing sewers or drains.

Council may determine the description of service pipes to be used.

31 The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied shall be such as the Council shall determine, either generally, or in classes of cases, or in any particular case; and the Council shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided; and the Council may cut off the pipes or turn off the water from any premises supplied with water until the required description of pipes or other apparatus is provided.

Council may supply water by measure.

32 The Council may supply any person within the Water District with water for other than domestic purposes by measure or otherwise, at such charge and subject to such conditions as the Council may prescribe; but such charge shall not exceed the sum of Two Shillings for every One thousand gallons of water so supplied.

Council may attach meters at any time.

33 The Council may, whenever it sees fit so to do, attach a meter to the pipe supplying water to any person, and thereupon all water supplied to such person shall be drawn only through such meter; and there shall be payable by such person to the Council, besides the amount of any water rate or charge for water supplied to such person, such sum or sums of money as rent for the use of such meter, and at such time or times as may be prescribed.

Council may let meters.

34 The Council may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of water for such remuneration in money as may be agreed upon between the Council and the consumer, which shall be recoverable in the same manner as the rates due to the Council for water.

Any meter let for hire as aforesaid shall be attached and affixed to the pipe to which the same is intended to be attached and affixed by or under the superintendence of such officer or servant of the Council as it shall appoint for such purpose, and not otherwise.

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35 Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands to, through, or into which water is supplied by the Council by measure, in order to inspect the meters, for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter or apparatus the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone not being an officer or in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

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Officers of the Council may inspect meters.

36 Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken into execution under any process of any court; and no person shall acquire any interest or property therein under or in pursuance of any adjudication or order in bankruptcy or other legal proceedings against or affecting the consumer of water or the occupier of the premises or other person in whose possession the meters, pipers, instruments, or other apparatus may be.

Council's meters not distrainable.

37 Every person requiring to remove or alter the position of any meter shall give Two days' notice in writing to that effect to the Council, which will cause a registration of the quantity of water used to be taken, and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made except by or under the direction of an officer of the Council, nor until the permission of the Council has been obtained.

Notice of removal of or change in meter.

38 It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years.

Right of Council to contract with private person.

39 The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until after a poll has been taken in the prescribed manner of the electors within the Water District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

Poll necessary.

40 At least One week before and until after the closing of such poll the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge.

Agreement to be open for inspection.

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Council's
authority to
extend to agents,
&c.

41 Wherever by this Act authority is given to the Council to enter upon any land or to break up streets or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting off any supply of water, the same authority shall extend to and may be used by any person acting by direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistant servants, workmen, means, and appliances of the Council, or such person as aforesaid.

PART VI.

POWER TO BORROW.

The Council may
borrow money
not exceeding
£2000.

42 Provided the Council shall have previously passed a special resolution for the purpose (whether before or after the commencement of this Act), it shall be lawful for the Council, on behalf of the Corporation, to borrow, under the provisions of "The Local Public Works Loans Act, 1890," upon the security of its revenues, any sum or sums of money not exceeding in the whole Two thousand Pounds, for the purpose of defraying the cost and expense of obtaining this Act, and of or connected with the construction and carrying out of the works authorised by this Act, and the payment of any compensation under this Act.

Governor may
lend.

43 Subject to the passing of such special resolution as aforesaid, it shall be lawful for the Governor to grant, in accordance with "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of Two thousand Pounds as a loan or loans to the Council upon the security of all its revenues for the purpose of defraying the cost and expenses mentioned in the immediately preceding section; and any such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for the purpose: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of the proposed works, nor a report by the Engineer-in-Chief thereon as provided by Section Two of the Act; but before any part of the said sum of Two thousand Pounds shall be advanced to the Council plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor.

Branxholm Water.

PART VII.

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WATER RATE.

44—(1) The Council may, once or oftener in every year, make and levy a water rate or water rates upon the annual value of all properties within the Water District, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of any moneys borrowed under this Act, and also for the purpose of raising the necessary funds for carrying out the objects of this Act: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of Two Shillings in the Pound upon the annual value of the properties within the Water District.

Council to fix water rate.

Any such water rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the Water District if such rate were a general rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such general rate.

(2) No occupier or owner of any premises shall be liable to the payment of the said water rate in a greater proportion than according to One-half part only of the assessment of rate thereon, unless such premises are actually supplied with water for domestic or other purposes, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within One hundred feet from the outer boundary of such premises.

The rate in regard to any one separate property shall in no case be less than Fifteen Shillings per annum.

45—(1) If any person liable to pay any amount of water rate neglects to pay the same within due time after the same has been lawfully demanded, the Warden may, after Twenty-four hours' notice, stop the supply of water to the premises in respect of which such rate is payable by cutting off the pipes to the said premises, or by such other means as he may think fit, and the expense of cutting off the water may be recovered in the same manner as the water rate is recoverable.

If rate in arrear, supply of water may be stopped.

(2) No person shall be liable to be imprisoned for non-payment of any water rate or charge for water, or any expenses of cutting off the water-supply.

No imprisonment for non-payment.

46 The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Council in accordance with any of the provisions of this Act, as may be had for recovering and enforcing the payment of any rate payable under this Act.

Charges for water recovery.

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PART VIII.

WASTE OR MISUSE OF WATER.

Service pipes to
be kept in repair.

47 In case any person, when required by the Council, neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Council may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Council may
repair service
pipes.

48 The Council may repair any such pipe or other apparatus so as to prevent any such waste of water, and the expenses of such repair shall be repaid to the Council by the person so allowing the same to be out of repair, and may be recovered by the Council from such person in a summary way.

Cisterns, &c., to
be so constructed
as to prevent
waste.

49 Every cistern or other receptacle for water which the Council may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Council, shall be constructed and used in such manner as may be prescribed, so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air, or other noisome or impure matter into the mains or pipes of the Council, or into any pipes connected or communicating therewith; and the Council may cut off the pipe attached to, or turn off the water supplied to, any cistern or other receptacle for water so permitted to be used, or any closet, soil-pan, or private bath which is not constructed and used as prescribed, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed.

Penalty for
obstructing
Council.

50 The Superintendent of the Waterworks, or any other person acting under the authority of the Council, may at any time, by night or by day, enter into any house or premises supplied with water under the authority of this Act in order to examine if there is any waste or misuse of such water, and the condition or state of repair of the pipes or works by which such water is supplied to such house or premises, and may for the latter purpose break the surface of the ground under which the surface-pipes are laid; and if such Superintendent or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the water from such house or premises.

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PART IX.

A.D. 1915.

OFFENCES.

51 Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Corporation or the Council, or in the exercise of any power or authority by this Act conferred on the Council, shall, for every such offence, incur a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Obstructing Council from performing work.

52 Every person who commits any of the following offences shall, for every such offence, incur a penalty of not exceeding Fifty Pounds:—

Injuring waterworks.

- I. Destroys or injures any of the waterworks :
- II. Removes or injures or destroys any survey-peg or landmark inserted or made in connection with any work constructed under the authority of this Act :
- III. In any manner prevents or obstructs the flow of water in or through any waterwork :
- IV. Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any waterwork.

53 Any person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds:—

Fouling water.

- I. Every person who bathes in any reservoir or other waterwork, or washes, throws, or causes to enter therein any dog or other animal, alive or dead :
- II. Every person who throws any rubbish, dirt, filth, or other noisome thing into any creek, rivulet, or stream from which the Council is empowered to divert water, and above any reservoir or waterwork, or into any reservoir or other waterwork, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
- III. Every person who causes or permits the water of any sink, sewer, or drain, steam-engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into any such creek, rivulet, or stream above any reservoir or waterwork, or into any reservoir or other waterwork, or who does or permits any other act whereby the water of the water works for supplying the same is fouled.

And every such person shall incur a further penalty of Two Pounds for each day during which such lastmentioned offence is continued after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Council.

54 Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in

Injuring waterworks or fouling water a misdemeanour.

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the waterworks, or supplying the same, unwholesome or offensive, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding Three years.

Certain offenders may be apprehended.

55 Any person found committing any offence mentioned in the last preceding section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a justice of the peace, to be dealt with according to law.

Proper users not to allow other persons to use water.

56 Every owner or occupier of any premises supplied with water under this Act who supplies to any other person, or wilfully permits him to take, any of such water from any cistern, or pipe, or service, in or on such premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Corporation from the waterworks, and the pipes belonging to him are, without his default, out of repair, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.

Taking water without authority.

57 Every person who, without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Corporation, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Corporation, other than such as may have been provided for the gratuitous use of the public, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Attaching service pipe without authority.

58 Every person who makes any pipe to communicate with any waterwork or pipe of the Corporation without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Suffering service pipe to be out of repair.

59 Every person supplied with water by the Corporation who suffers any pipe, or other apparatus by means of which his premises are supplied with water, to be out of repair, so that the water supplied to him by the Corporation is wasted, shall for every such offence incur a penalty not exceeding Five Pounds.

Destroying valves, &c.

60 Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or other waterworks of the Corporation, or does any other wilful act whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Fouling water by gas.

61 Whenever the water supplied by the Council is fouled by the gas of any person making or supplying gas, such persons shall for every such offence incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence.

Branxholm Water.

62 Where the doing of any act or thing is made punishable by this Act or by any by-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

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Accessories to offence liable as principals.

63 All penalties for offences against this Act shall be applied to the use of the Council, and shall be paid to the Treasurer of the Council, and shall be carried to the credit of the Water Account.

Appropriation of penalties.

64 Where no other mode is provided in this Act, all fines and penalties under this Act or under any by-law made in pursuance of this Act may be recovered and enforced before any police magistrate, or before any Two or more justices of the peace, in the mode prescribed by "The Magistrates' Summary Procedure Act."

Recovery of fines, &c.

65 Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

Persons convicted of offence may be ordered to pay sum of money equal to value of property.

PART X.

BY-LAWS.

66—(1) The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for all or any of the following purposes:—

By-laws.

- I. For regulating the charges, terms, and conditions upon which water shall be supplied under the authority of this Act:
- II. For regulating the form, material, dimensions, description, and construction and arrangement of pipes, service, and other apparatus by means of which water may be distributed or supplied by the Council, and for prohibiting the use of any other:
- III. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act:
- IV. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of water under this Act:
- V. For preventing waste or misuse of water:
- VI. For preventing injury to any of the works or machinery or apparatus erected by or belonging to the Council for the distribution and supply of water:

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vii. Generally for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for—

and to provide that any such by-law may be enforced by cutting off the pipe or service or turning off the water, or by such pecuniary penalty not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

(2) Subject to the provisions of this Act the provisions of Division I. of Part XIV. of "The Local Government Act, 1906," relating to by-laws, shall be applicable to by-laws under this Act.

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SCHEDULE.

Portion of the Government Chart, showing exactly the boundaries of the Water District.