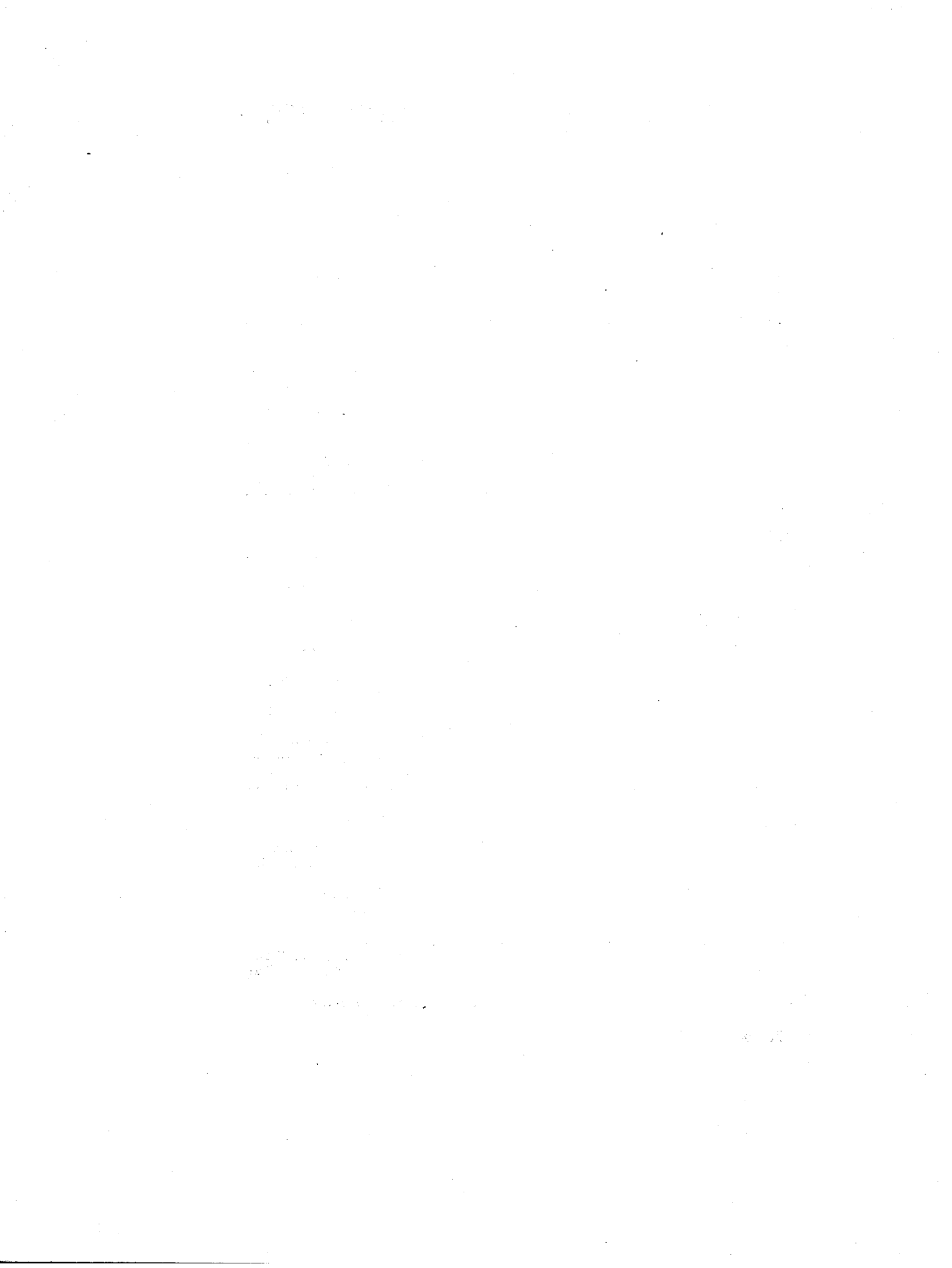


# THE ST. LEONARDS WATER ACT, 1914.

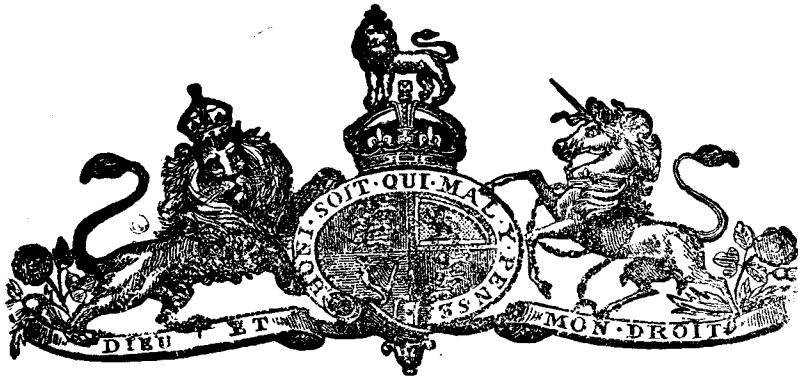
## ANALYSIS.

1. Short title.
2. Interpretation.
3. District.
4. Supply of water to be under control of Council.
5. Property of waterworks vested in the Corporation.
6. Power to erect works and divert water of North Esk.
7. Purposes for which water may be taken from North Esk.
8. Purchase of land and acquisition of easements.
9. Entry upon land.
10. Construction of waterworks.
11. Council to give notice.
12. Power to break up streets, &c.
13. Corporation to do as little damage as possible.
14. Corporation to make compensation for damage done by execution of works.
15. Persons suffering damage to make claim for compensation.
16. Regard to be had to any benefit which may accrue.
17. Persons making claims when barred.
18. Dissatisfied party may appeal to judge of Supreme Court.
19. Notice of appeal to be given.
20. Award not to be made a rule of court unless judge determines matter in dispute.
21. Compensation for diverting water to be ascertained by action in Supreme Court.
22. Action to be commenced within three months.
23. Compensation for damage by failure of works.
24. Supply of water for domestic use.
25. Supply of water for other than domestic use.
26. Council shall determine description of pipes to be used.
27. Supply of water to areas beyond St. Leonards.
28. Council to fix water rate.
29. Notice of rate to be given.
30. Where several premises served by one pipe, each to pay.
31. If rate not paid Warden may cut off water.
32. Council may assess property
33. Council may supply water outside Water District at such charges as may be agreed on.
34. Council may borrow not exceeding £4200.
35. Governor may lend a sum of not exceeding £4200 to Council.
36. Power to examine gas-pipes.
37. Expenses to abide result of examination.
38. How expenses to be ascertained.
39. Service pipes to be kept in repair.
40. Council may repair service pipes.
41. Cisterns &c., to be so constructed as to prevent waste.
42. Penalty for obstructing Council.
43. Hindering officer of Council.
44. Injuring waterworks.
45. Fouling water.
46. Injuring waterworks or fouling water a misdemeanour.
47. Certain offenders may be apprehended.
48. Proper users not to allow other persons to use water.
49. Taking water without authority.
50. Attaching service-pipe without authority.
51. Suffering service-pipe to be out of repair.
52. Destroying valves, &c.
53. Fouling water by gas.
54. Attaching pipe without authority.
55. Accessories to offence liable as principals.
56. Appropriation of penalties.
57. Recovery of fines, &c.
58. Appeal.
59. By-laws.
60. Application of provisions of "The Local Government Act, 1906," as to rates.
61. Charges for water recovery.

1s. 6d.]



T A S M A N I A.



1914.

ANNO QUINTO.

GEORGII V. REGIS.

No. 28.



AN ACT to authorise a Loan of Four thousand two hundred Pounds to the Council of the Municipality of St. Leonards for the purpose of securing a Supply of Pure Water for the Inhabitants of a portion of the said Municipality and a portion of the Municipality of Evandale.

A.D.  
**1914.**

[8 January, 1915.]

**W**HEREAS the Council of the Municipality of St. Leonards has decided to provide a supply of pure water for the inhabitants of a portion of the said Municipality and a portion of the Municipality of Evandale hereinafter defined and described, and to do all the works necessary and incidental thereto :

PREAMBLE.

And whereas the Council of the said Municipality of Evandale has agreed that the Council of the said Municipality of St. Leonards may execute and do all such works in the said portion of the said Municipality of Evandale as if such portion of the said Municipality of Evandale was in the Municipality of St. Leonards, and levy such rates as may be necessary, such work to be under the sole control of the Council of the Municipality of St. Leonards :

*St. Leonards Water.*

A.D. 1914.

And whereas the Council of the Municipality of St. Leonards is desirous of obtaining legislative authority to borrow the money necessary to carry out the proposed work under the provisions of "The Local Public Works Loan Act, 1890":

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:—

Short title.

**1** This Act may be cited as "The St. Leonards Water Act, 1914."

*Interpretation.*

Interpretation.

**2** In this Act, unless inconsistent with the context—

"Assessment Roll" means—

I. As to properties within the Municipality of St. Leonards which are situate within the Water District, so much of the annual values assessment roll of that Municipality for the time being in force as comprises all such properties:

II. As to properties within the Municipality of Evandale which are situate within the Water District, the annual values assessment roll relating to such properties under this Act and for the time being in force:

"Elector" means every person being a natural-born or naturalised subject of His Majesty, and whether male or female, of or above the age of Twenty-one years, whose name as the owner or occupier of any property within the Water District appears on the assessment roll for the time being in force for the Municipality of St. Leonards or the Municipality of Evandale, as the case may be:

"Corporation" means the Warden, councillors, and electors of the Municipality of St. Leonards:

"Council" means the Council of the Municipality of St. Leonards:

"District" means the Water District established by Section Three of this Act, and any additional area or areas which may from time to time be added to it, as provided by that section:

"Street" extends to and includes any public and common highway, roads, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place:

"Waterworks" extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

*St. Leonards Water.**District.*

A.D. 1914.

District.

**3** The area of land, the boundaries of which are hereinafter set forth, and which is situate partly within the Municipality of St. Leonards and partly within the Municipality of Evandale, shall be and form the Water District for the purposes of this Act; but the Council may from time to time, at the request of a Two-thirds majority of the electors within any area within either of the said Municipalities 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.

*Description of Water District.*

Commencing at a point on the main-road to Hobart, at its junction with a by-road near top of Sandhill thence in a south-easterly direction Twenty chains along Three hundred and forty-nine acres lot originally granted to Alex. Waddle from thence by an imaginary line parallel with the main-road (through land granted to P. Oakden W. T. Bell and others) to its junction with the road from Relbia Station at Twenty chains distant from the main-road thence parallel with Relbia Station-road and passing through land granted to R. J. Parker and others until the Main Line Railway is reached along the railway-line to Relbia Station thence by Twenty chains in a north-easterly direction from thence by a line parallel with the aforesaid road passing through land granted to J. G. L. Jones and others until the main-road is reached thence by Twenty chains in a north-easterly direction in land granted to H. Lewis from thence by a line parallel with the main-road to another lot of land (Two hundred and forty-nine acres Three roods Twenty-four perches) granted to Alex. Waddle and from thence south-easterly to the point of commencement.

*Power to take Water.*

**4** The supply of water under this Act for use within the Water District shall be under the control and direction of the Council of the Municipality of St. Leonards, and that Council is hereby empowered to carry this Act into execution, and to exercise the several powers hereby conferred upon it.

Supply of water  
to be under  
control of Council.

**5** All waterworks and other works made, constructed, repaired, or maintained under this Act, and all appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, excepting communication pipes and their appliances within the outer boundary of any premises, and all materials, tools, implements, and things furnished and provided by the Council, under the authority or for any of the purposes of this Act, shall be the property of the Corporation.

Property of  
waterworks  
vested in the  
Corporation.

*St. Leonards Water.***A.D. 1914.**

Power to erect works and divert water of North Esk.

**6** It shall be lawful for the Council to enter from time to time upon the North Esk River, and the bed and banks thereof, and, at such sites as the Engineer-in-Chief of the State may approve for the purpose, to cause such works to be erected or established in the bed of the said river, and on the banks thereof, as shall be necessary from time to time to divert the waters of the same, and, at such point or points as the said Engineer-in-Chief may approve to divert and appropriate such quantity of the water of the said river as shall be required for the purposes of this Act.

Purposes for which water may be taken from North Esk.

**7** It shall be lawful for the Corporation to use all or any portion of water which the Corporation is authorised by this Act to divert and appropriate from the North Esk River for the purpose of supplying the inhabitants of the Water District with water for domestic and other purposes.

*Powers.*

Purchase of land and acquisition of easements.

**8** The Corporation is hereby empowered to compulsorily purchase any land and to compulsorily acquire any easements which the Council may consider to be necessary for the purpose of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of easements "The Lands Clauses Act" shall be incorporated with this Act.

Entry upon land.

**9** For the purposes of this Act it shall be lawful for the Corporation to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Council thinks 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.

Construction of waterworks.

**10** It shall be lawful for the Corporation, from time to time, to make, erect, construct, lay down, maintain, alter, or discontinue upon any land purchased by the Corporation under the provisions of this Act, or upon any land now vested in the Corporation, such waterworks and such buildings, machinery, and other works, apparatus, and appliances as the Council may think necessary for the purposes of this Act.

Council to give notice.

**11** Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Seven days' notice of the intention of the Corporation 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.

Power to break up streets, &c.

**12** The Corporation may, from time to time, open and break up the soil and pavement of any streets within the Water District; and may open and break up any sewers, drains, or tunnels within or under such streets, and erect or lay down in and upon or under

*St. Leonards Water.*

such streets, and may maintain and use, and from time to time alter and discontinue, such machinery, pipes, apparatus, and things, and all other works necessary and convenient for any of the purposes of this Act.

A.D. 1914.

*Compensation for Damage done by Execution of Works.*

**13** In the exercise of the powers conferred by this Act the Corporation shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands in place of any such as are taken away or interrupted by the Corporation.

Corporation to do as little damage as possible.

**14** The Corporation 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 Corporation under the authority of this Act, or lawfully interested in any land, other than land purchased by the Corporation, in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Corporation 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 Corporation by this Act.

Corporation to make compensation for damage done by execution of works.

**15** Any person claiming such compensation shall prefer his claim by notice, in writing, addressed to the Council, and served upon the Council Clerk, 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 water or land in respect of 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 cases hereinafter mentioned) be determined by arbitration in the manner provided by "The Lands Clauses Act" in cases of disputed compensation.

Persons suffering damage to make claim for compensation.

**16** In determining such claims regard shall be had to any benefit which may be done or accrued 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.

**17** 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 Corporation 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 previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Three months after service of such notice.

Persons making claims when barred.

*St. Leonards Water.*

A.D. 1914.

Dissatisfied party  
may appeal to  
judge of Supreme  
Court.

**18** 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 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 Corporation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred 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.

39 Vict., No. 19.

**19** 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.

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

**20** 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.

Compensation for  
diverting water  
to be ascertained  
by action in  
Supreme Court.

**21** Where any claim for compensation involves damage, alleged to have been sustained by reason of the taking or diversion or appropriation of any water, and the right of the claimant in or to such water is disputed by the Council, if the Council within Fourteen days after the service of the notice of the claim gives notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court, to be brought by the



*St. Leonards Water.*

claimant against the Corporation for damages, or upon an issue agreed to between the claimant and the Corporation. **A.D. 1914.**

**22** Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards. Action to be commenced within three months.

**23** The Corporation may from time to time, and at all times hereafter, pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs, and charges, sums of money, damages, and expenses whatsoever, and for all injury of what nature or kind soever, as well immediate as consequential, which such owners or occupiers or other persons may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Corporation under this Act. Compensation for damage by failure of works.

*Supply of Water.*

**24** The Corporation shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the Water District, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation, furnish to such person within such dwelling-house, by means of communication-pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Corporation at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house. Supply of water for domestic use.

**25** The Corporation may, if it see fit, furnish to any person 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 flushing sewers or drains, 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 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.

**26** The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied, within the outer boundary of any premises shall be such as the Council determines, Council shall determine description of pipes to be used.

*St. Leonards Water.*

A D. 1914.

either generally, or in classes of cases, or in any particular case, and the Corporation shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided, and 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; and only such contractors, builders, artisans, and workmen as are approved by the Council shall be employed by any person for the purpose of laying down the pipes and other apparatus necessary for supplying any premises with water.

Supply of water  
to areas beyond  
St. Leonards.

**27** The Corporation may cause pipes to be laid down and water to be brought to such places and districts beyond the Water District as the Council sees fit, upon the application of any municipal council or local authority, or of any owners or occupiers of houses, buildings, or other premises, in any such place or district, on such terms and conditions as may be agreed upon; and the Council shall, by notice under the hand of the Warden, and published in the "Gazette," specify the places or districts to and in which the Council propose to lay down pipes for the purpose aforesaid.

*Water Rate.*

Council to fix  
water rate.

**28**—(1) The Council may, Once in every year, make and levy a water rate 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 maintenance and management of the waterworks used or constructed by the Corporation for the supply of water to the inhabitants of the Water District under the provisions 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 Three Shillings upon the annual value of the properties within the Water District.

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-fourth 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 Fifty feet from the outer boundary of such premises. The rate in regard to any one separate property shall in no case exceed a sum equal to the amount of the rate if made upon a property of the annual value of Forty-five Pounds, or be less than a sum equal to the amount of the rate if made upon a property of the annual value of Thirteen Pounds.

*St. Leonards Water.*

**29** Upon the making of any water rate under this Act, a notice signed by the Warden and not less than Two Councillors, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the "Gazette" and upon any such notice being so published, the rate therein mentioned in such notice shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of properties as ascertained and determined by the assessment roll then in force; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which, according to such rate, such persons are liable to pay, or any other particular than hereinbefore in that behalf mentioned.

A.D. 1914.

Notice of rate to be given.

**30** When several buildings are supplied by One common pipe the several owners or occupiers of such buildings shall be liable to payment of the same rate for the supply of water as they would have been liable to if each of such several buildings had been supplied with water from the waterworks by a separate pipe.

Where several premises served by one pipe each to pay.

**31** If any person liable as herein provided to pay any amount of water rate or charges neglects to pay the same within due time after the same has been lawfully demanded, the Warden may, after giving Twenty-four hours' notice, stop the water from flowing into the pipe to such premises, by cutting off the pipe to such premises or by such means as he may think fit, and the amount of water rate due from such person, together with the expense of cutting off the water, shall be recovered in the same manner as any municipal rate is recoverable.

If rate not paid Warden may cut off water.

**32** The Council may, for the purposes of this Act, assess the annual value of all properties in such places and districts beyond the Municipality as to the Council seems meet; and all the provisions contained in any law enabling the Council to assess the annual value of properties within the Municipality shall extend and apply to the assessment of the value of properties beyond the Municipality for the purposes aforesaid, but not further or otherwise: Provided that any person affected by any such assessment may appeal from any assessment of any property within the Municipality, or the Council may accept any assessment roll for the time being in force which comprises the property in question.

Council may assess property.

**33** Notwithstanding anything hereinbefore contained, the Council may supply water to the owners or occupiers of lands, houses, or other buildings in any place outside the Water District upon such terms and conditions and at such charges as shall from time to time be agreed upon and settled by and between the Council and the persons requiring the same.

Council may supply water outside Water District at such charges as may be agreed on.

*St. Leonards Water.*

A.D. 1914.

*Power to Borrow Money.*

Council may  
borrow not  
exceeding £4200.

**34** It shall be lawful for the Council, on behalf of the Corporation, upon the security of its revenues, to borrow any sum or sums of money, not exceeding in the whole Four thousand two hundred 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, or the payment of any such compensation as aforesaid, and for the purpose of securing a supply of pure water for the inhabitants of the Water District.

*Power of Governor to Lend.*

Governor may  
lend a sum of  
not exceeding  
£4200 to Council.

**35** It shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," and its amendments, any sum or sums of money, not exceeding in the whole Four thousand two hundred Pounds, as a loan to the Corporation, upon the security of all its revenues, for the purposes mentioned in the immediately preceding Section of this Act; and any such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that 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 lastmentioned Act; but before any part of the said sum of Four thousand two hundred 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 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 said report; and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved of by the Governor.

*Other Powers.*

Power to examine  
gas pipes.

**36** For the purpose of ascertaining whether the water supplied by the Corporation is fouled by the gas of any persons making or supplying gas, the Corporation may dig up the ground and examine the pipes and works of the persons making or supplying gas: Provided that before proceeding so to dig and examine, the Council shall give Twenty-four hours' notice in writing to the persons so making or supplying gas of the time at which such digging and examination is intended to take place.

Expenses to abide  
result of  
examination.

**37** If upon such examination it appears that such water has been fouled by gas belonging to such persons, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying the gas; but if upon such examination it appears that

*St. Leonards Water.*

the water has not been fouled by the gas of such persons, then the Council shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those works by such examination.

A.D. 1914.

**38** The amount of the expenses of every such examination and repair, and any injury done to the Corporation shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in a summary way by and before a police magistrate or any Two or more justices of the peace.

How expenses to be ascertained.

*Waste or Misuse of Water.*

**39** 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.

Service pipes to be kept in repair.

**40** 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.

Council may repair service pipes.

**41** 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 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.

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

**42** 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 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.

Penalty for obstructing Council.

*St. Leonards Water.*

A.D. 1914.

*Offences.*Hindering officer  
of Council.

**43** 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.

Injuring  
waterworks.

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

- i. Destroys or injures any of the waterworks belonging to the Corporation :
- 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 watercourse, tunnel, or other waterwork :
- iv. Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any watercourse, tunnel, or other waterwork.

Fouling water.

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

- i. Every person who bathes in any part of the North Esk River within Three miles above the dam erected by the Council thereon, or in any reservoir, aqueduct, or other waterwork of the Corporation, 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 the said river as aforesaid above the said dam, or into any such reservoir, aqueduct, or other waterwork as aforesaid, 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 the said river above the said dam, or into any such reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks for supplying the same is fouled ;

*St. Leonards Water.*

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. A.D. 1914.

**46** 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 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. Injuring waterworks or fouling water a misdemeanour.

**47** 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. Certain offenders may be apprehended.

**48** 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. Proper users not to allow other persons to use water.

**49** 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. Taking water without authority.

**50** 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. Attaching service pipe without authority.

**51** 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. Suffering service pipe to be out of repair.

**52** 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 Destroying valves, &c,

*St. Leonards Water.*

A.D. 1914. — whereby such water is wasted, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Fouling water by gas. **53** 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.

Attaching pipe without authority. **54** Any person who makes any pipe to communicate with any pipe of the Corporation without the authority of the Council in that behalf shall incur a penalty not exceeding Twenty Pounds.

Accessories to offence liable as principals. **55** 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.

Appropriation of penalties. **56** All penalties for offences against this Act shall be applied to the use of the Corporation, and shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the Water Account.

Recovery of fines, &c. **57** 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."

Appeal. **58** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any by-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by "The Appeals Regulation Act."

*By-laws.*

By-laws. **59** The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for the following purposes :—

- I. For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Section Twenty-five of this Act :
- II. For regulating the description of pipes, wires, and other apparatus by means of which water may be laid on, distributed, or supplied by the Council, and for prohibiting the use of any other description of pipes :



*St. Leonards Water.*

- 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 : A.D. 1914
- IV. For regulating all other matters and things which may be found to be necessary or proper in connection with the supply of water under this Act :
- V. For preventing waste or misuse of water :
- VI. For preventing injury to the waterworks belonging to the Corporation :

And otherwise 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 turning-off the water, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

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 made under that Act shall be applicable to the by-laws under this Act.

*Miscellaneous.*

**60** Subject to the provisions of this Act, all the provisions of "The Local Government Act, 1906," and its amendments, which relate to the making, levying, and recovery of rates shall be applicable to all rates to be made and levied under this Act. Application of provisions of "The Local Government Act, 1906," as to rates.

**61** 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.

