

Manly Water Supply and Sewerage Transfer.

Act No. 5, 1902.

An Act to vest certain works of water supply and property and certain sewerage works at Manly in the Board of Water Supply and Sewerage; to validate certain things done in carrying out such sewerage works in excess of the authority in that behalf; and for purposes consequent on or incidental to those objects. [15th January, 1902.]

MANLY WATER
SUPPLY AND
SEWERAGE
TRANSFER.

WHEREAS in pursuance of Part V of the Metropolitan Water Preamble. and Sewerage Act of 1880, as amended by the Metropolitan Water and Sewerage Act Amendment Act of 1888, certain works of water supply in the municipal district of Manly were carried out by the Secretary for Public Works, and the said works, together with the conduit, reservoirs, engines, buildings, mains, sewers, cisterns, pipes, drains, and all machinery and plant connected therewith, were by proclamation dated the twenty-fourth day of June, one thousand eight hundred and ninety-three, and published in the Gazette of the thirtieth day of the same month, duly transferred to the council of the said municipal district, and by the said proclamation it was declared that certain powers therein mentioned contained in the said Acts should be exercisable by the said council within the said municipal district; and whereas certain reticulation and other works in connection with water supply have been carried out by the said council; and whereas it is desirable to vest the said works in the Board of Water Supply and Sewerage: And whereas certain sewerage works in the said municipal district were carried out by the Secretary for Public Works, acting under the authority of the provisions aforesaid of the above-mentioned Acts, and of the Manly Drainage Works Act of 1889, but the said works were not transferred to the said council, and it is desirable to vest the said works in the Board of Water Supply and Sewerage: And whereas in carrying out the last-mentioned works the authority conferred by the last-named Acts has been exceeded, and it is desirable to validate anything so done: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Manly Water Supply and Short title and commencement. Sewerage Transfer Act, 1901," and shall take effect on the first day of January, one thousand nine hundred and two (hereinafter referred to as the commencement of this Act)

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Transfer to board of
works of water
supp'y.

2. The said works of water supply together with all property transferred as aforesaid by the said proclamation of the twenty-fourth day of June, one thousand eight hundred and ninety-three, and the said reticulation and other works are vested in the Board of Water Supply and Sewerage, and the said proclamation is rescinded. And all the provisions of the Metropolitan Water Supply and Sewerage Act of 1880 and any Acts passed or to be passed amending the same, and any by-laws thereunder relating to water supply shall apply to and in respect of the said works and property.

Council divested of
rights, and discharged
from obligations.

3. The council of the municipal district of Manly and the said district are divested of any interest in the said works and property, and are discharged from any obligation under the said Acts to pay to the Colonial Treasurer any principal or interest in respect of the same, but shall not be entitled to recover any amount paid to the said Treasurer before the commencement of this Act on account of such principal and interest:

Provided that the said council shall pay to the said treasurer the instalment and interest amounting to one thousand three hundred and sixty-seven pounds eleven shillings and sixpence due on the thirty-first day of December, one thousand nine hundred and one, on account of the said works, and a sum of one hundred and fifty pounds for the purpose of placing the pumping machinery in proper order.

Recovery of past
rates and charges.

4. All rates, charges, and moneys due to the said council before the commencement of this Act in respect of such works and property and in respect of water supplied may be recovered as if this Act had not passed.

Transfer of sewerage
works.

5. The said sewerage works are vested in the Board of Water Supply and Sewerage, and all the provisions of the Metropolitan Water Supply and Sewerage Act of 1880 and any Acts passed or to be passed amending the same, and any by-laws thereunder relating to sewerage shall apply to and in respect of the said works.

Validation of
deviations.

6. (1) Any deviations in carrying out the above-mentioned sewerage works from the description in the Schedule to the Manly Drainage Works Act of 1889 of the works authorised by that Act are validated, and shall be deemed to have been and to be included in that Schedule.

(2) Where, in carrying out the said works, any sewers have been constructed through land not belonging to the Crown, such construction shall be deemed to have been and to be lawful and to have been effected with the consent of the owners and occupiers of such land. And the Board of Water Supply and Sewerage may enter any such land and clean, repair, and replace any such sewer.