CHAPTER xxv.

An Act to extend the limits of supply of the Amersham Beaconsfield and District Waterworks Company Limited and to confer further powers upon that Company. A.D. 1904.

[24th June 1904.]

WHEREAS by the Amersham Beaconsfield and District Water Order 1896 (scheduled to and confirmed by the Water Orders Confirmation Act 1896) the Amersham Beaconsfield and District Waterworks Company Limited (herein-after called "the Company") were empowered to make the waterworks therein described to supply water and to make rates and charges therefor in the parishes of Amersham Coleshill Beaconsfield Chalfont Saint Giles Chenies Seer Green and Penn and a part of the parish of Chesham Bois (as therein mentioned) in the county of Buckingham:

And whereas by the Amersham Beaconsfield and District Water Order 1903 (scheduled to and confirmed by the Gas and Water Orders Confirmation Act 1903) the Company were empowered to extend their limits of supply so as to include the remainder of the said Parish of Chesham Bois and part of the parish of Chepping Wycombe (Rural) and to construct and maintain additional waterworks and to raise additional capital:

And whereas the parish of Gerrard's Cross in the county of Buckingham is not now supplied with water but could conveniently be supplied by the Company from their existing sources of supply and it is expedient that the said parish should be included within the limits of supply of the Company:

And whereas in order to afford a proper and sufficient supply of water to the said parish it is expedient that the

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Company should be empowered to make the works by this Act authorised:

And whereas it is expedient that the other provisions of this Act should be made:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Buckingham and are hereinafter referred to as the deposited plans sections and book of reference:

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

Short title.

1. This Act may be cited as the Amersham Beaconsfield and District Water Act 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts namely:—

The Lands Clauses Acts; and

The Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of "such owner" in section 44 of the Waterworks Clauses Act 1847;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings.

The expression "the recited Orders" means the Amersham Beaconsfield and District Water Order 1896 and the Amersham Beaconsfield and District Water Order 1903.

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Extension of limits of water supply.

4. The limits within which the Company may supply water are hereby extended so as to include the parish of Gerrard's Cross (in this Act referred to as "the said parish") and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations as they now have and may exercise or are subject to under the provisions of the recited Orders within their existing limits and the provisions of the recited Orders so far as the same are respectively in force at the passing of this Act shall subject to the provisions of this Act extend and apply to the said parish and the supply of water thereto:

Provided that if at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the said parish any local authority who but for the passing of this Act would be empowered to supply water in the said parish may provide a supply in the whole or any part thereof in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the said parish not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of the said parish such difference shall be settled on the application of either party by the Board of Trade.

Power to construct works.

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

A line or lines of pipes commencing in the parish and urban district of Beaconsfield at a point in the main road leading from Beaconsfield to Uxbridge at or near the junction with the said main road of the road leading from Chalfont Saint Giles and terminating in the parish of Gerrard's Cross in

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the rural district of Eton at or near a point in the said main road opposite the mile post denoting three miles from Beaconsfield :

Together with all such incidental works as may be necessary or convenient in connexion therewith.

Power to take lands.

6. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works by this Act authorised.

Limits of deviation.

7. In the construction of the works authorised by this Act the Company may deviate laterally to any extent within the boundaries of the road in which the same will be made and they may also deviate vertically from the levels shown on the deposited sections to any extent but not exceeding five feet upwards Provided that no part of any line of pipes shall be constructed or laid so as to be above the surface of the ground unless so shown on the sections and then only to the extent so shown.

Period for completion of works.

8. If the works authorised by this Act are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of the said pipes or other works or plant at any time and from time to time as occasion may require.

For protection of Bucks County Council and Eton Rural District Council.

9.—(1) Notwithstanding anything contained in the recited Orders or in this Act it shall not be lawful for the Company to draw from any well within the county of Buckingham or to collect and appropriate in that county any water for supply elsewhere than in the said county.

(2) The Company shall within twelve months after the passing of this Act lay down suitable and sufficient mains for the purpose of providing an efficient supply of water available for consumers in tho parish of Gerrard's Cross.

The following mains shall be laid by the Company within the period aforesaid :—

(A) A main along the Oxford Road from the western boundary of the parish of Gerrard's Cross as far as the

property in that parish known as "Heusden" or "The Poplars":

(B) A main along the road surrounding Gerrard's Cross Common commencing by a junction with the main (A) herein-before described near the post-office and terminating by a junction with the same main at the "French Horn" public house:

(C) A main commencing by a junction with the main (B) herein-before described at the "Pack Horse" public house and terminating at the lodge of "Orche Hill House."

(3) The Eton Rural District Council shall for the purposes of sections 35 and 36 of the Waterworks Clauses Act 1847 be deemed to be owners or occupiers of houses within the limits of supply of the Company and shall accordingly be entitled to require or join in requiring the Company to cause pipes to be laid down and water to be brought to any part of the district of the Council comprised within the said limits upon and subject to the terms and conditions prescribed by the said sections as varied by this section and forthwith after making any such requisition they shall enter into an agreement with the Company binding themselves to pay to the Company annually such a sum (if any) as together with the aggregate amount (if any) of water rate from time to time payable by the owners and occupiers of houses in the part of the limits of supply to which such requisition relates shall be required to make up a sum of not less than one-tenth part of the expense of providing and laying down the necessary pipes Provided always that the amount of such expense shall be based upon the shortest available route between the nearest main of the Company existing at the date of such requisition and the required point of supply and that notwithstanding anything contained in the said Waterworks Clauses Act the liability of the said council shall not terminate until the rates payable in each of any three successive years by such owners and occupiers as last aforesaid shall have amounted to not less than one-tenth part of such expense when all liability of the council under this section in respect of the expense of providing such supply shall finally cease and determine.

(4) In applying the sections of the Waterworks Clauses Act 1847 relating to fire plugs to this Act the rural district council shall be substituted for the town commissioners and the

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concluding paragraph of section 13 of the said Act shall be taken to include the pattern and price of the fire plugs as well as their position and number.

For protection of Great Western and Great Central Railways Joint Committee.

10.—(1) Any mains or pipes which the Company may lay down in or along any road crossing either over under or on the level of the railways of the Great Western and Great Central Railways Joint Committee (herein-after referred to as "the joint committee") shall so far as they may affect the railway lands or property of the joint committee be laid down by the Company at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the joint committee and in accordance with plans and sections previously submitted to and approved by him in writing and any of such mains or pipes from time to time renewed or repaired by the Company shall be renewed and repaired in the same manner and under the like conditions Provided that where any mains or pipes require to be laid under or over any level crossing of the said railways the joint committee may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Company Provided also that if for one month after such plans and sections have been submitted to the said engineer he shall fail to signify in writing to the Company his disapproval thereof and his reasons for such disapproval he shall be deemed to have approved of the same.

(2) The said mains or pipes shall be so laid down maintained repaired and used by the Company as not to cause any damage or injury to or impede the free and uninterrupted use of the said railway and works.

(3) The Company shall at all times keep the joint committee indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes as aforesaid.

(4) If the joint committee at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the joint committee may on giving to the Company seven days' notice in writing under the hand of their secretary and in case of emergency of which their engineer shall be the sole judge without notice

divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works.

(5) Any difference which may arise between the Company and the joint committee or their respective engineers under this section shall be determined by arbitration in manner provided by the Arbitration Act 1889.

Application of moneys.

11. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise under the recited Orders and which they do not require for the purposes of those Orders.

Copy of Act to be registered.

12. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act

13. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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