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An Act for better supplying with Water the town and parish of Beccles, in the county of Suffolk. [12th May 1870.] A.D. 1870.

WHEREAS a better supply of water to the town and parish of Beccles, in the county of Suffolk, than now exists would be of public advantage, and it is expedient to increase and improve the present supply, and for that purpose to make and maintain the works herein-after described:

And whereas the persons herein-after named, with others, are willing at their own expense to provide such increased and improved supply and to make and maintain the said works, and it is expedient that powers be conferred upon them for those purposes:

And whereas plans and sections showing the lines and levels of the proposed works and the lands to be taken for the purposes thereof, and a book of reference containing the names of the owners and lessees or reputed owners and lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Suffolk:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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:

Short title.

1. This Act may be cited for all purposes as "The Beccles Waterworks Act, 1870."

Provisions of General Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845; Parts I., II., and III. of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869; the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; and the Waterworks Clauses Acts, 1847 and 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

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Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the works," "the waterworks," and "the undertaking," mean respectively the waterworks and undertaking by this Act authorised; the word "street" in the Waterworks Clauses Act, 1847, shall extend to and include railways and other works of a like nature; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression, in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by Statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the town and parish of Beccles, in the county of Suffolk.

Company incorporated.

5. William Low, William Bellingham, Thomas Mahony Quill, Emanuel Allen, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company, for the purpose of making and maintaining the waterworks and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "the Beccles Waterworks Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make works.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, with all needful mains, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes: The works hereinbefore referred to and authorised by this Act are situate in the said parish of Beccles, and are as follows:

1. A pumping station (No. 1.), with shafts, wells, communications, pipes, and all other necessary works, situate in the field known by the name of "Satin Pans," belonging or reputed to belong to Frederick Darby Robinson.

2. A reservoir or reservoirs (No. 1.), with all necessary embankments, cuttings, filtering beds, sluices, culverts, pipes, roads, and other works connected therewith, contiguous to the aforesaid pumping station, and situate on the same piece of land.
3. A conduit or line of pipe (No. 1.), commencing at the aforesaid reservoir or reservoirs, and terminating at or near the junction of Love Lane with the Ringsfield and Bungay roads.
4. A conduit or line of pipe (No. 2.), commencing at the aforesaid reservoir or reservoirs, and terminating at or near the junction of Bullock's Lane with the London road.
5. A conduit or line of pipe (No. 3.), commencing at the termination of the last-mentioned conduit or line of pipe, and terminating at the reservoir or reservoirs next herein-after mentioned.
6. A reservoir or reservoirs (No. 2.), with all necessary embankments, cuttings, filtering beds, sluices, pipes, pumps, culverts, roads, and other works connected therewith, situate on the piece of land numbered 191 on the tithe map of the parish of Beccles, and belonging or reputed to belong to Henry Gilbert.
7. A pumping station (No. 2.), with shafts, wells, communications, pipes, and all other works, contiguous to the last-mentioned reservoir or reservoirs, and situate on the same piece of land.

Limits of lateral and vertical deviation.

7. In constructing the works authorised by this Act the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Capital.

8. The capital of the Company shall be six thousand six hundred pounds, in six hundred and sixty shares of ten pounds each, subject to augmentation as herein-after provided for.

Shares not to be issued until one fifth paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

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Receipts for disqualified persons.

11. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his or her guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one thousand six hundred and fifty pounds, but no part thereof shall be borrowed until the whole capital of six thousand and six hundred pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to raise additional capital.

13. When the said authorised share capital of six thousand six hundred pounds is expended for the purposes of this Act, and is found insufficient for those purposes, it shall be lawful for the Company, with the consent of three fifths of the votes of the shareholders, voting personally or by proxy at any general meeting of the Company called for the purpose, to raise by the creation and issue of ordinary shares of ten pounds each any further sum not exceeding three thousand pounds.

Power to borrow further sums.

14. When such further sum of three thousand pounds is subscribed for and one half thereof is paid up, the Company may borrow on mortgage any sums not exceeding seven hundred and fifty pounds in addition to and subject to the same conditions as are applicable to the sum of one thousand six hundred and fifty pounds herein-before authorised to be borrowed.

For appointment of a receiver.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three hundred pounds in the whole.

Application of moneys.

16. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

17. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

Number of directors.

18. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

19. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Directors not to be disqualified by being commissioners under Local Acts.

20. No person shall be disqualified as a director by being a commissioner or a trustee under any Act of Parliament, or member of any municipal corporation or local board for any public purposes within the limits of this Act, or mortgagee of rates, or justice of the peace for the division within which the works may be situate; and no shareholder of the Company shall be disqualified as such commissioner, trustee, or member by reason of any contract between the Company and the commissioners, trustee, corporation, or local board: Provided always, that no commissioner, trustee, or member who is a director or shareholder shall act or vote at any meeting of such commissioners, trustees, corporation, or board, or at any committee appointed by such commissioners, trustees, corporation, or board, on any question, or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder.

Quorum.

21. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three, the quorum shall be two.

First directors and election of directors.

22. William Low, William Bellingham, Emanuel Allen, and any other two duly qualified persons to be appointed by the before-named directors shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, or may appoint new directors, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The

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Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Quorum for general meetings.

23. The quorum of every general meeting of the Company, whether ordinary or extraordinary, shall be at least ten shareholders present in person or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Newspaper for advertisements.

24. The newspaper for advertisements relating to the Company shall be any newspaper published in the county of Suffolk.

Number of shareholders to call an extraordinary meeting.

25. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened, shall not be less than ten shareholders, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Period for compulsory purchase of lands.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Period for completion of works.

27. The works shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, mains, pipes, reservoirs, and other works, in such way and manner as they may consider requisite or advisable for supplying water within the limits of this Act.

Lands for extraordinary purposes.

28. The Company may from time to time purchase by agreement for the purposes of this Act any quantity of land, or any easements (not being a right of water in, over, or affecting any land) which they may think requisite, provided that such land shall not exceed three acres in addition to the land which they are by this Act authorised to take by compulsion.

Parties may grant easements.

29. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," to convey lands, may, if they think fit, but subject to the provisions contained in those Acts with respect to land and rentcharges, grant to the Company for the purposes of this Act any lands which by this Act they are authorised to take, or the right of user thereof, or any other easement, liberty,

privilege, power, or authority in or over any such lands, except an easement of water.

Restrictions may be imposed upon the sale of superfluous property.

30. Upon any sale by the Company under the provisions of "The Lands Clauses Consolidation Act, 1845," of any superfluous lands or of any lands or hereditaments purchased by them under the powers of this Act, the Company may reserve to themselves all or any part of the water or water rights and other easements thereunto belonging, and may sell such lands and hereditaments subject to such reservations, and also subject to such special conditions, restrictions, and provisions with reference to the use of water, and for preventing the exercise of noxious trades or businesses upon the premises, and for preventing or regulating the discharge and deposit of manure, sewage, and other impure matter and liquids, as they may think fit.

Certain provisions of 10 Vict. c. 17. to extend to turnpike roads, &c.

31. The clauses and provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes, shall extend and apply to the opening and breaking up by the Company of any turnpike roads or other public highways or footways or any public bridges within the limits of this Act, and also to the laying down and placing of pipes, conduits, and other works in, under, and along the said roads, footways, highways, and bridges respectively.

As to mains crossing the works of a railway or other company.

32. If any difference shall arise between the Company, and any railway, canal, or other company whose land or works it may be essential for the Company to cross in laying down, repairing, altering, or enlarging their mains, pipes, conduits, and other works from time to time for the purposes of meeting the demands for water within their district, as to the mode of laying down, repairing, altering, or enlarging such mains, conduits, or pipes, or the facilities to be afforded for the same, the same shall (except as herein otherwise provided) be settled by an engineer to be appointed by the Board of Trade at the request of either Company.

Water not necessarily under pressure.

33. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or implied to the contrary, it shall not be incumbent on the Company to supply water under any degree of pressure greater than that afforded from the reservoir No. 1. described in the sixth section of this Act.

Rates at which water is to be supplied for domestic purposes.

34. The Company shall, at the request of the owner or occupier of any house or part of a house in any street in which any service pipe of the Company shall be laid, or of any person who, under the provisions of this Act or any Act incorporated herewith, shall be entitled to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or

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occupier or other person a sufficient supply of water for domestic use at rates not exceeding the rates herein-after specified; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water shall not exceed five pounds per annum, at a rate not exceeding twopence per week.

Where such rent or value shall be above five pounds, and not exceed twenty pounds per annum, at a rate per centum per annum not exceeding seven pounds.

Where such rent or value shall be above twenty pounds, at a rate per centum per annum not exceeding six pounds.

Provided always, that the Company shall not be liable to any penalty for not supplying water if the want of such supply shall arise from frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs.

Rates for waterclosets and baths.

35. If there be more than one watercloset in any such house, then in addition to the rates before specified, the Company may demand in respect of each such house, for every watercloset beyond the first, an additional sum not exceeding seven shillings and sixpence per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supplying of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons, the Company may charge an increased rate in proportion to the size of such baths.

For preventing fouling of water.

36. The Company shall not be compelled to supply any person with water for waterclosets or baths unless the apparatus or pipes provided or to be provided by such person shall be of such material, and so constructed and used, as to prevent the waste or undue consumption of the water of the Company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor shall they be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water.

Water supplied by agreement.

37. The Company may from time to time supply any person, body, or corporation with water for any purposes for which no specific rates are by this Act limited, for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the corporation, body, or person desirous of having the supply.

Company may sell by measure.

38. The Company may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Penalty for injury to and fraudulent use of meters.

39. Every person who shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any meter, pipes, or fittings belonging to the Company, or who shall fraudulently alter the index to any meter, or shall knowingly and wilfully prevent any meter from duly and properly registering the quantity of water supplied, shall for every such offence forfeit to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage by them sustained.

Meters not to be altered or repaired except under direction or with consent of Company.

40. No meter, whether supplied by the Company or the consumer, shall be altered or repaired, except under the direction or with the consent of the Company, or the surveyor or other officer of the Company, and the Company shall be entitled to keep all meters which may be provided by the consumer in repair, at the cost of the consumer, at such moderate rate of remuneration as may be agreed on between the Company and the consumer, or, in case of dispute, as may be fixed by two justices.

Domestic supply not to be prejudiced.

41. No person shall be entitled under this Act to a supply of water for any purposes other than domestic purposes, when the supply would interfere with the proper supply under this Act of water for domestic purposes.

Persons using water to provide stopcock.

42. Every person supplied with water under the provisions of this Act shall, when required by the Company, provide and affix such proper tap, stopcock, or other apparatus to the pipe conducting the water from the works of the Company, as the Company shall direct, and shall keep such tap, stopcock, or other apparatus in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall neglect to provide, when required by the Company, such tap, stopcock, or other apparatus, or to keep the same in good repair, it shall be lawful for the Company, or for any person acting under their authority, to cut off the pipe, or turn off the water from the premises of such person until such tap, stopcock, or other apparatus shall be provided or repaired, as the case may require.

Persons using water for watercloset to provide cisterns, &c.

43. Every person supplied with water under the provisions of this Act for the purposes of a watercloset shall, when required by the Company, provide a cistern or such other apparatus as the Company may deem proper to receive and retain the water with which he shall be supplied for such purpose, and shall keep such cistern or other apparatus in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall neglect to provide, when required by the Company, such cistern or

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other apparatus, or to keep the same in good repair, it shall be lawful for the Company, or for any person acting under their authority, to cut off the pipe or turn off the water from the premises of such person until such cistern or other apparatus shall be provided or repaired, as the case may require.

Where several houses supplied by one pipe, each to pay.

44. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe: Provided always, that the Company shall not be compelled to supply water to the occupier of any part of a dwelling house, or for any premises occupied with a dwelling house, unless the water rate is paid for the whole of such dwelling house and premises.

Penalty for affixing tubes to Company's pipes without their consent.

45. It shall not be lawful for any owner or occupier of any house supplied with water by the Company, without the consent of the Company, to affix or permit or suffer to be affixed to any of the mains or other pipes of the Company, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever; and any person who shall act contrary to this enactment shall for every such offence forfeit to the Company any sum not exceeding five pounds.

Incoming tenant not liable to pay arrears of water rate.

46. In case any consumer of the Water Company shall leave the premises where such water has been supplied, and leave without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the Company or with the former tenant to pay or exonerate him from the payment of such arrears, but the Company shall supply their water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

Company may require pipes, &c. to be repaired.

47. The Company may, by notice in writing under the hand of their surveyor or other duly authorised officer, require any person who shall have suffered any pipe, cock, cistern, or other apparatus to be out of repair, forthwith to put the same into a proper state of repair; and if such person shall not within three days after the service of such notice so repair such pipe, cock,

cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same; and if the expenses of such repair shall not be repaid to the Company on demand, the same may be recovered by the Company as damages.

Power to turn off water in certain cases.

48. If any person supplied with water by the Company wilfully do, or cause or knowingly permit to be done, anything in contravention of the provisions of this Act with respect to the waterworks or the supply of water, or wilfully neglect to do anything which under these provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may turn off the water supplied by them to such person and cease to supply water to such person until the act complained of be remedied and any penalty incurred thereby be paid.

Recovery of rates.

49. Whenever any person neglects to pay any rate or sum due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Rates may be recovered by distress.

50. All water rates or rents due to the Company, and all damages, costs, and expenses by this Act or any Act incorporated herewith directed to be paid, may, after the defaulter shall have been summoned to appear before a justice, and an order made thereupon for the payment of the amount due, be levied by distress, and any justice, on application, may issue his warrant accordingly.

Several names in one warrant.

51. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

Costs of distress.

52. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of such rate or sum shall be paid by the person liable to pay such rate or sum, and such costs may be ascertained by the justice, and may be included in the warrant of distress for the recovery of such rate or sum.

Liability to rates not to disqualify justices.

53. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate, rent, or charge under this Act.

Penalties not cumulative.

54. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative, and for this purpose this Act and the Acts incorporated with this Act shall be deemed several Acts.

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Expenses of Act.

55. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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