CHAPTER viii.

An Act for the granting of further powers to the Bristol Waterworks Company and for other purposes. A.D. 1895.

[14th May 1895.]

WHEREAS the Bristol Waterworks Company (in this Act called the Company) were incorporated by the Bristol Waterworks Act 1846 and their powers were extended by two subsequent Acts passed in the years 1850 and 1853 respectively : 9 & 10 Vict. c. ccxxii. 13 Vict. c. ii. and 16 Vict. c. vii.

And whereas the said three Acts were repealed by the Bristol Waterworks Act 1862 but the Company were continued incorporated by the same name and are acting under the powers of that Act the Bristol Waterworks Amendment Act 1865 the Bristol Waterworks Act 1872 the Bristol Waterworks Act 1882 the Bristol Waterworks Act 1888 and the Bristol Waterworks Act 1889 which six last-mentioned Acts are in this Act referred to collectively as the former Acts and each of them separately as an Act of the year in which the same was passed : 25 Vict. c. xxx. 28 Vict. c. xxvi. 35 Vict. c. ii. 45 & 46 Vict. c. clxxv. 51 & 52 Vict. c. cliii. 52 Vict. c. x.

And whereas the Company were authorised by the Act of 1888 to make in the county of Somerset (among other works) a line of pipes (No. 5) a line of pipes (No. 6) a line of pipes (No. 7) a line of pipes (No. 8) and a diversion of the public highway leading from the village of Barrow-Gurney to the Bridgwater and Bristol Road and the period by that Act limited for the completion of the said works will expire on the seventh day of August 1895 :

And whereas by the Act of 1889 the Company were authorised to abandon a portion of the said line of pipes (No. 5) and were also authorised to make in the said county (among other works) a reservoir and certain other works connected therewith comprising diversions of roads lines of pipes and a pumping station respectively referred to in that Act under the letters A B C D H I and K and the periods limited by that Act for the completion of the works thereby authorised will expire in the case of work I on the thirty-first day of May 1899 and in the case of the other of the said works on the thirty-first day of May 1896 :

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And whereas it is expedient that the several periods so limited for the completion of the said respective works should be extended as in this Act provided:

And whereas unexpected difficulties having been encountered in the construction of the reservoir and works the estimated cost thereof will be greatly increased and it is expedient that the Company be authorised to raise additional share and loan capital to enable them to complete the said reservoir and other works authorised by the former Acts and also for the general purposes of their undertaking:

And whereas it is expedient that the powers of the Company be enlarged and that the former Acts be extended and amended:

And whereas the objects aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited as the Bristol Waterworks Act 1895.

Incorporation of General Acts.

2. The following Acts—

The Lands Clauses Acts except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking;

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

The Waterworks Clauses Act 1863; and

Part II. (Extension of time) of the Railways Clauses Act 1863;

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 And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders (except section 66 "Ordinary meetings to be held half-yearly");

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

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 And in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act—

The expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute:

In the Railways Clauses Act 1863 for the purposes of this Act—

The expressions "the railway" and "the railway and works" respectively mean the works the time for the completion of which is by this Act extended.

Extending time for completion of certain works authorised by the Act of 1888.

4. The time limited by the Act of 1888 for the completion of the following works authorised by that Act is hereby extended to the following dates (that is to say):—

(A) So much of the line of pipes (No. 5) as extends from the junction therewith of the line of pipes (No. 6) by that Act authorised to the junction therewith of the line of pipes (No. 7) by that Act authorised;

(B) The line of pipes (No. 6);

(C) So much of the line of pipes (No. 7) as extends from its junction with the line of pipes (No. 5) to the junction therewith of the line of pipes (No. 8) by that Act authorised; and

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The subsidiary works connected therewith respectively;

to the seventh day of August one thousand eight hundred and ninety-seven; and

(D) The diversion of the public highway in the Parish of Barrow-Gurney;

to the seventh day of August one thousand eight hundred and ninety-nine:

And section 14 of the Act of 1888 shall be read and construed accordingly.

Extending time for completion of certain works authorised by the Act of 1889.

5. The time limited by the Act of 1889 for the completion of the following works by that Act authorised is hereby extended to the following dates (that is to say):—

Works (A) (B) (C) (H) and (K) and the subsidiary works connected therewith respectively to the thirty-first day of May one thousand nine hundred and one;

Work (I) and the subsidiary works connected therewith to the thirty-first day of May one thousand nine hundred and four:

And section 18 of that Act shall be read and construed accordingly.

Power to take additional lands by agreement.

6. The Company may for the purposes only of protecting from contamination fouling or discolouration any reservoirs or any waters over which they for the time being have any right or in which they for the time being have any interest and any waters which unite with or flow into such reservoirs or waters acquire by agreement or take on lease and hold either temporarily or permanently any lands situate within the drainage area of such reservoirs or waters and such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 (except as herein-after provided in the case of sale by the Company) or the former Acts but the Company shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company or for the purposes of a farm Any such sale or lease may be under and subject to the provisions of the Settled Estates Act 1877 or the Settled Land Acts 1882 to 1889:

Provided that the Company shall not on any of such lands which are situate in the parishes of Blagdon Burrington Butcombe Churchill Nempnett Thrubwell Wrington Congresbury and Yatton in the county of Somerset or any of them construct any wells shafts or other works whereby water may be abstracted or diverted except drains for the purpose of intercepting contaminated surface water or

water percolating through the surface and no such drain shall at any point be constructed so that the bottom thereof shall be at a greater depth below the surface of the ground than five feet unless where made watertight The Company shall so construct such drains as to avoid so far as practicable intercepting or taking any water from any underground spring or like underground source and in the event of its being found in any case impracticable wholly to avoid intercepting or taking such waters the Company shall give to the secretary for the time being of the trustees of the Bristol Municipal Charities notice in writing thereof and shall take such steps as may be agreed between the trustees and the Company or in the event of difference between them settled by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers to avoid so far as possible the abstraction of or interference with such waters Every such drain shall be so constructed as to avoid communicating above its point of discharge into the River Yeo with any waters in under on or flowing to any property for the time being belonging to the said trustees The Company shall at all times on receiving not less than twenty-four hours previous notice in writing at the principal office of the Company allow the trustees or their duly authorised agents to inspect during construction any such drains and the outlets thereof and any subsequent alterations of such drains and outlets and for that purpose to enter upon the lands of the Company between the hours of nine o'clock in the morning and four o'clock in the afternoon.

Power to grant easements.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Sale of superfluous lands.

8. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in

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any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction on taking houses of labouring class.

9.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Extending section 11 of the Act of 1889.

10. The provisions of section 11 (Agreements with landowners as to drainage) of the Act of 1889 shall extend and apply to or in relation to all or any lands within the drainage area of the works for the time being of the Company.

Company may apply existing funds and raise additional capital.

11. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole three hundred and fifty thousand pounds by the creation and issue at their option of new ordinary shares or stock or wholly or partly by either of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

As to vesting of new shares.

12. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full nominal amount of such share (if the

same be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of three hundred and fifty thousand pounds.

Power to borrow in respect of additional capital authorised by this Act.

13. In addition to the moneys which the Company are authorised to borrow under their former Acts they may subject to the provisions of this Act from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-fourth part of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium thereon (if any) shall have been fully paid up and the Company shall 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 such shares and stock and premium (if any) have been issued and fully paid up 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 certificate shall be sufficient evidence thereof.

Certain sections of the Act of 1889 incorporated.

14. The following sections of the Act of 1889 (that is to say) :—

(Section 25) As to votes of proprietors of new shares or stock;
(Section 26) Limit of dividend on new capital;
(Section 27) Dividends on different classes of shares or stock to be paid rateably;
(Section 28) New shares or stock to be offered by auction or tender;
(Section 29) Time for paying up shares or stock sold by auction;
(Section 30) Notice to be given as to sale &c. of shares or stock;
(Section 31) Shares or stock not sold by auction or by tender to be offered to shareholders;
(Section 32) Application of premium arising on issue of shares or stock;
(Section 34) Repealing existing provisions as to receiver;
(Section 35) For appointment of a receiver;
(Section 36) Existing mortgages to have priority;
(Section 37) Debenture stock;
(Section 38) As to conversion of borrowed money into capital;
(Section 39) Application of sums raised under this Act;

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shall extend and apply mutatis mutandis to and in relation to the additional capital by this Act authorised to be raised and the money by this Act authorised to be borrowed by mortgage and debenture stock respectively.

Costs of Act.

15. 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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