# CHAPTER x.

An Act to confer further powers upon the Brompton Chatham Gillingham and Rochester Waterworks Company and for other purposes. [30th June 1905.]

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WHEREAS by the Brompton Chatham Gillingham and Rochester Waterworks Act 1860 (hereinafter called "the Act of 1860") the Brompton Chatham Gillingham and Rochester Waterworks Company (hereinafter called "the Company") were incorporated and the limits of the Company for the supply of water were defined as including the city of Rochester and the towns and places of Old and New Brompton Gillingham and Chatham in the county of Kent and the several parishes within the same city and towns or places respectively: 23 Vict. c. xxxviii.

And whereas by the Brompton Chatham Gillingham and Rochester Waterworks Act 1868 (hereinafter called "the Act of 1868") the Act of 1860 was amended and further powers were conferred upon the Company: 31 Vict. c. xx.

And whereas by the Brompton Chatham Gillingham and Rochester Water Act 1898 (hereinafter referred to as "the Act of 1898") the area of supply of the Company was extended and powers as in the said Act contained were conferred upon the Company to construct further works and to raise additional capital: 61 & 62 Vict. c. xlviii.

And whereas the demand for water within the Company's limits of supply has of late years greatly increased and it is expedient that the Company be authorised to construct additional waterworks and that the other powers of this Act be conferred upon the Company:

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And whereas the capital of the Company consists of one hundred and thirty-four thousand five hundred pounds and such capital has been raised as to seventy-four thousand five hundred pounds by the creation and issue under the Acts of 1860 and 1868 of fourteen thousand and nine hundred shares of five pounds each bearing dividend at a maximum rate of ten per cent. and as to the remaining sixty thousand pounds by the creation and issue under the Act of 1898 of six thousand shares of five pounds each bearing dividend at a maximum rate of seven per cent. being the number of shares required together with the premiums realised on the sale thereof to raise the said sum of sixty thousand pounds:

And whereas the whole of the said capital has been issued and expended and the Company have raised by the creation and issue of debenture stock and now owe the sum of fourteen thousand seven hundred and fifty pounds:

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act the plans also showing the lands which may be taken compulsorily under the powers of this Act and a book of reference to those 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 for the purposes of this Act were deposited with the clerk of the peace for the county of Kent and are in this Act respectively 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 Brompton Chatham Gillingham and Rochester Water Act 1905.

Incorporation of general Acts.

**2.** The Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or

reputed owner of any such house or of the agent of such owner") the clauses and 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 the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

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 subsequent Acts are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to make works.

**4.** Subject to the provisions of this Act the Company may in the parish and borough of Chatham make and maintain in the situations and lines and according to the levels shown on the deposited plans and sections the following works and may enter upon take use and hold such of the lands delineated upon the deposited plans and described in the deposited book of reference as they may require therefor The works are as follows :—

Work No. 1 A well and pumping station (to be called "the Capstone Pumping Station") situate on the western side of the road leading from Capstone to Luton :

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Work No. 2 A covered service reservoir situate on the north-western side of the Company's existing Rainham Road reservoirs:

Work No. 3 An aqueduct conduit or line or lines of pipes commencing at a point in the pumping station Work No. 1 hereinbefore described and terminating at the service reservoir Work No. 2 hereinbefore described:

Work No. 4 A well and pumping station (to be called "Snodhurst Pumping Station") situate near Snodhurst Farm.

Lateral and *vertical* deviation.

**5.** In making the works by this Act authorised and shown on the deposited plans the Company may deviate laterally from the lines thereof shown on those plans to any extent within the limits of deviation shown thereon and in the case of the aqueduct conduit or line or lines of pipes (where the same is underground) beyond those limits with the consent of the person through whose lands such deviation is proposed to be made and where on any road or any part of a road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate from the levels of such works as delineated on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards but so as not to alter the surface level of any road or to raise the aqueduct conduit or line or lines of pipes above the surface of the ground except so far as may be shown on the deposited sections Provided that the Company shall not in the exercise of the powers of lateral deviation hereby conferred upon them construct any embankment or retaining wall of the reservoir authorised by this Act of greater height above the general surface of the ground than three feet above that shown on the deposited sections in connection with such embankment or wall.

Power to make incidental and distributing works.

**6.** The Company may also on any lands shown on the deposited plans make and maintain all proper and necessary works and conveniences in connection with the works hereinbefore described or which may be necessary or convenient to be made on such lands for the purpose of obtaining storing and distributing water and may alter improve enlarge extend or renew all or any of such works.

Power to take and appropriate water.

**7.** The Company may collect take and use all or any of the underground springs and waters which can or may be collected or taken by means of the waterworks by this Act authorised.

Period for compulsory purchase of lands.

**8.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

For protection of Secretary of State for War.

**9.** For the protection of the property vested in His Majesty's principal Secretary of State for the War Department the following provisions shall unless otherwise agreed have effect and be binding upon the Company (that is to say):—

(1) The portion of the aqueduct conduit or line of pipes by this Act authorised which will be situate on the property so vested in the said Secretary of State shall be laid and maintained in an efficient condition at the expense of the Company and at such depth that there shall at no point be less than thirty inches between the top of the said aqueduct conduit or line of pipes and the surface of the ground:

(2) The said portion of aqueduct conduit or line of pipes shall be constructed and the surface of the ground restored to the satisfaction of the said Secretary of State within three months from the commencement of the construction of such portion:

(3) The Company shall compensate the tenants of property so vested under which the said aqueduct conduit or line of pipes will be made in respect of any damage which may at any time be caused to them by reason of the laying maintenance or alteration of the said aqueduct conduit or line of pipes or by leakage therefrom or any defect therein:

(4) The Company shall if at any time so required to do by the said Secretary of State by notice in writing within one month of the receipt of such notice divert or alter the line of such pipe on the property vested in the said Secretary of State in such manner as the said Secretary of State shall require and shall if so required by the said Secretary of State remove any portion of the said aqueduct conduit or line of pipes which may be rendered unnecessary by reason of such diversion and restore the site thereof:

(5) The Company shall not acquire any greater interest in any property vested in the said Secretary of State through which the aqueduct conduit or line of pipes will be

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constructed than a right to lay and maintain the same in accordance with the provisions of this Act and of access thereto for those purposes and the Company shall in respect of such right pay to the said Secretary of State yearly the sum of five pounds:

(6) The Company shall at the request of the said Secretary of State or any tenants of the properties vested in him through which the said aqueduct conduit or line of pipes will be constructed give to him or them an ordinary supply of water at any point along such portion of aqueduct conduit or line of pipes at rates not exceeding those for the time being demanded by the Company for a supply of water by meter and shall provide at their own expense all connections and meters if necessary for that purpose:

(7) All works on the property so vested shall be carried out at the sole expense of the Company and to the satisfaction of the commanding royal engineer of the district but no such works shall be commenced unless at least seven days' notice in writing shall have been given to the said commanding royal engineer specifying the works proposed to be carried out and his consent in writing to the proposed time and mode of executing the works shall have been obtained.

Power to acquire additional lands by agreement.

**10.** The Company may in addition to the lands now belonging to them or which they are by this Act authorised to purchase compulsorily from time to time by agreement purchase or take for any of the purposes of their undertaking any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement right or privilege of water in which persons other than the grantors are interested) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking Provided that so long as any such lands are held by them the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection thereon of any buildings other than buildings connected with or necessary for their undertaking.

Power to take easements &c. by agreement.

**11.** 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 persons other than the grantors 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.

Power to raise additional capital.

**12.** The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise additional capital to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of one hundred and eight thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any share of less nominal value than five pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

Incidents of additional capital.

**13.** Subject to the provisions of this Act the new capital created by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as by this Act otherwise expressly provided the holders of shares or stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company of the same class or description.

Holders of preference capital not to vote.

**14.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Limit of profit on additional capital.

**15.** The Company shall not in any one year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and six pounds in respect of every one

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hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends on different classes of ordinary capital to be paid proportionately.

**16.** In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

New shares or stock to be offered by auction or tender.

**17.** Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that notice of the amount of the reserve price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner Provided also that no priority shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold to be paid within three months.

**18.** It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof (including any premium) given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

**19.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of Rochester and the town clerk of every borough and to the clerk of every district council of any district wholly or partly included within the limits of the Company for the supply of water and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and

notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply. A.D. 1905.

Shares or stock not sold may be offered to shareholders employees or consumers.

**20.**—(1) When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water supplied by the Company or partly to one and partly to another or others.

(2) Any shares or stock not so offered and any shares or stock so offered and not accepted in the case of shares or stock offered to the holders of shares or stock within the time prescribed by the said Act or in the case of shares or stock offered to such employees or consumers within the time limited by the directors of the Company may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and at such time or times as the directors of the Company may think fit and any shares or stock not then sold may be again offered to the holders of ordinary shares or stock or to such employees or consumers at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

**21.** Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that for the purposes of ascertaining the maximum amount of the reserve fund of the Company the sums received by way of premium as aforesaid shall be reckoned as part of the nominal capital of the Company and for the purpose of ascertaining the amount which the Company may borrow under this Act the sums so received shall be deemed to be part of the additional capital by this Act authorised to be raised.

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Power to borrow.

**22.** The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount 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 shall have been fully paid up together with the premium (if any) realised on the sale thereof 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 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.

Appointment of receiver.

**23.** Section 33 of the Act of 1898 (Appointment of receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act And in lieu thereof 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 arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

**24.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 34 (Debenture stock) of the Act of 1898 Notice of the effect of the last-mentioned enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

**25.** All money to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in

pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

Application of moneys.

**26.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Contracts for supplying water in bulk.

**27.** The Company on the one hand and any local authority authorised so to do and any company or person either within or beyond the limits of supply of the Company on the other hand may enter into and carry into effect agreements for the supply by or to the Company to or by any such authority company or person respectively of water in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given by the Company except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Recovery of demands.

**28.** Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court provided that the demand does not exceed the amount recoverable in that court in a personal action.

Expenses of Act.

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

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