CHAPTER ccxvii.

An Act for extending the limits of supply of the Kent Waterworks Company, and for authorising the Company to construct further Works and to raise further Money; and for other purposes. [10th August 1877.]

A.D. 1877.

WHEREAS by the Kent Waterworks Act, 1809, (in this Act called the Act of 1809,) the Company of Proprietors of the Kent Waterworks (in this Act called the Company) were incorporated and were authorised to make and maintain waterworks, and other works and conveniences connected therewith, in divers places in the counties of Kent and Surrey therein specified, and by means thereof to supply water within those places: 49 G. 3. c. clxxxix.

And whereas by the Kent Waterworks Acts Amendment Act, 1811, (in this Act called the Act of 1811,) the Company were authorised to extend their works into divers other places in the counties of Kent and Surrey therein specified, and to supply water within those places: 51 G. 3. c. xlv.

And whereas by the Acts of 1809 and 1811, and the Kent Waterworks Acts Amendment Act, 1850, (in this Act called the Act of 1850,) the Company were authorised to raise a capital in shares and to borrow on mortgage: 13 & 14 Vict. c. lix.

And whereas by the Kent Waterworks Act, 1862, (in this Act called the Act of 1862,) the several powers and provisions of the said recited Acts with respect to the raising of capital and the borrowing of money by the Company were (section four) repealed, and (section nine) their capital was declared to be four hundred and twenty thousand pounds, consisting of their then capital of three hundred and fifty-one thousand one hundred and fifty pounds, and the additional capital of sixty-eight thousand eight hundred and fifty pounds created by the Act of 1862, and (section ten) all their capital was declared to be ordinary capital, and (section eleven) they were authorised from time to time to issue so many of the shares of the additional capital of sixty-eight thousand eight hundred and fifty pounds as they thought fit, and (section twenty-three) they 25 & 26 Vict. c. xliv.

A.D. 1877.

were authorised to borrow on mortgage not exceeding one hundred and five thousand pounds, and (section twenty-four) their then mortgage debt of thirty-seven thousand pounds was to be deemed part of the amount which they might so borrow:

And whereas the North Kent Waterworks Company were incorporated by the North Kent Waterworks Act, 1860:

28 & 29 Vict. c. cxlvi.

And whereas by the Kent Waterworks Act, 1864, (in this Act called the Act of 1864,) the North Kent Waterworks Company were amalgamated with the Company, and (section nine) the capital of the Company was increased by forty thousand pounds (being the amount of the authorised capital of the said North Kent Waterworks Company), and (section thirteen) the amount which the Company were authorised to borrow on mortgage was increased by ten thousand pounds (being the amount which the said North Kent Waterworks Company were authorised to borrow), and (sections twenty-six and twenty-seven) the limits of the Company's Acts were extended so as to include all places within the limits of the Act of the North Kent Waterworks Company, and it was enacted that the Company's Acts and the Metropolis Water Act, 1852, should be in force and apply throughout the limits of the Company's Acts as so extended, and (section thirty-eight) the Company were authorised to raise by the creation and issue of new shares or new stock all or any part of the new capital of forty thousand pounds above mentioned, and also any further capital not exceeding one hundred and forty thousand pounds, and making a total capital not exceeding six hundred thousand pounds, and (section thirty-nine) the Company were authorised on certain conditions to borrow on mortgage any sum not exceeding the above-mentioned sum of ten thousand pounds, and also any further sum not exceeding thirty-five thousand pounds, with power (section forty-two) to raise the last-mentioned sums by issue of new shares or stock instead of borrowing the same:

And whereas it is expedient that the limits of the Company's Acts should be extended so as to include the several places in that behalf mentioned in this Act, and that the Company should be authorised to make and maintain the additional works in this Act described, and to raise further money:

And whereas plans and sections of the works by this Act authorised, showing the lines and levels thereof, and books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands to be taken under the powers of this Act, were duly deposited with the clerk of the peace for the county of Kent, and are in this Act referred to as the deposited plans, sections, and books of reference:

A.D. 1877.

And whereas the objects of this Act cannot be effected 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 Kent Waterworks Act, 1877."

Former Acts and this Act to be construed as one Act.

2. The Act of 1809, the Act of 1811, the Act of 1850, the Act of 1862, the Act of 1864, and this Act shall be construed as one Act, and be carried into effect accordingly.

Incorporation of general Acts.

3. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to—

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 nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
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), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act; the provisions herewith incorporated of the last-mentioned Act shall apply, but shall apply only, to the reservoir by this Act authorised; and in construing those provisions for the purposes of this Act, the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoir and the boundaries thereof.

A.D. 1877.

Extension of limits.

4. From and after the passing of this Act, the limits of the Company's Acts shall extend to and include the several parishes, townships, and places following; (that is to say,) Swanscombe, Stone, Darenth, Wilmington, Sutton-at-Hone, Farningham, Eynsford, Footscray, North Cray, Saint Paul's Cray, Saint Mary Cray, Orpington, Farnborough, Chelsfield, Keston, West Wickham, and Hayes, in the county of Kent, and so much of the parish of Beckenham in the same county as adjoins on the east and north-east the parish of Bromley and on the south the parish of Hayes, and is bounded on or towards the north by a road in the parish of Beckenham leading from Beckenham to Bromley, and called or known as the Bromley Road, and on the north-west, west, and south-west by two lanes in the parish of Beckenham respectively, called or known as Scott's Lane and Hayes Lane, and the Acts above recited relating to the Company shall, subject to the provisions of this Act, be in force within the said parishes, townships, and places in the same manner as within the existing limits of the Company.

Power for Company to make works shown on deposited plans and sections.

5. Subject to the provisions of this Act, the Company may maintain, or, as the case may be, make and maintain, in the situation and according to the lines and levels shown upon the deposited plans and sections, the several works shown on those plans and sections, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act will be wholly situate in the county of Kent, and are as follows:

(A) A well or wells and engine-house, or pumping station, in the parish of Beckenham, already constructed by and in the occupation of the Company:

(B) An aqueduct, conduit, or line of pipes (No. 1), commencing at the pumping station above mentioned (A), and terminating in the intended reservoir (D):

(C) An aqueduct, conduit, or line of pipes (No. 2), commencing in the said intended reservoir (D), and terminating at the existing pumping station of the Company at Crayford:

(D) A reservoir in the parish of Farnborough, on a piece of ground known as Cowlas.

Power to make incidental works.

6. The Company may, upon lands acquired by or belonging to them, from time to time make and maintain all necessary and convenient approaches, embankments, roads, ways, tunnels, adits, wells, tanks, filtering beds, dams, sluices, outfalls, channels, conduits, drains, pipes, engines, works, and conveniences for obtaining, collecting, filtering, storing, and distributing water.

Lateral and vertical deviations.

7. Subject to the other provisions of this Act, in executing the works shown on the deposited plans, the Company may deviate laterally from the lines thereof to any extent within the limits of deviation shown thereon, and vertically from the levels thereof shown on the deposited sections to any extent not exceeding in the case of the reservoir five feet, and in the case of other works five feet, save where in the case of such other works a greater vertical deviation is necessary for avoiding interference with any sewer, water main, gas main, or other work, and then to such an extent as is necessary for avoiding interference therewith: Provided always, that the Company shall not so deviate from the line of the reservoir shown on the deposited plans as that any embankment or wall of the said reservoir shall be of a greater height above the general surface of the ground than that shown on the deposited sections, and three feet in addition.

Power to grant easements, &c.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and this Act, grant or demise, and may by way of exchange convey to the Company any lands, or any easements or right (not being an easement or right of water) 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, demises, and conveyances, and to such lands, easements, and rights as aforesaid respectively.

Powers for compulsory purchases limited.

9. 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 three years from the passing of this Act.

Works to be done to the satisfaction of the county surveyor.

10. Before commencing any of the works by this Act authorised in, through, or over any lands, roads, or bridges belonging to or vested in the justices of the peace for the county of Kent, or in the clerk of the peace for the time being of that county, or repairable by the inhabitants of the said county, the Company shall give fourteen days notice to the surveyor of the county of Kent for the time being of the intention to commence any such work, accompanied by a plan of such work, and such work shall be made only in a manner and upon plans to the reasonable satisfaction of such surveyor; or if any difference shall arise, then it shall be settled by an engineer to be selected by the Board of Trade, and such works shall be made so as to cause as little detriment and inconvenience to the public as circumstances admit, and the Company shall pay

A.D. 1877.

to the treasurer of the county of Kent, for the use of the justices of Kent as county funds, compensation for all damage occasioned by the construction of the proposed works, and the cost of and incidental thereto, and of and incidental to such supervision and arbitration.

Construction of works not to prevent improvement of county roads and bridges.

11. Any alteration, repair, or improvement of any of the bridges or roads repairable by the inhabitants of the county of Kent, or of any parish or other district therein, may be made as if this Act had not passed, and if any such alteration, repair, or improvement necessitates or renders expedient in the opinion of the justices of the county of Kent in their annual general session assembled, or at any adjournment thereof, any alteration in the level or position of any of the works by this Act authorised to be made in, over, or through any of the bridges or roads aforesaid, the Company shall, after fourteen days notice in writing on behalf of the justices, forthwith make such alteration at its own expense.

As to works affecting the South-eastern Railway Company.

12. Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the South-eastern Railway Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of such railway, stations, bridges, and works respectively, and according to plans to be reasonably approved by him before any such works are begun, and he may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works, and to secure the safety of such railway, stations, bridges, or works, and the cost of all such works, as well as of the superintendence thereof as before provided for, shall be borne and defrayed by the Company, and such works shall be carried out so as not to cause any injury to any such railway, stations, bridges, or works, or any interruption of the passage or conduct of traffic over or at any such railway or stations, and if any injury owing to or by reason of the construction or repair of any of the said works shall arise to any such railway stations, bridges, or works, or interruption to any such traffic, the Company shall make full compensation in respect thereof to the South-eastern Railway Company.

As to works affecting the London, Chatham, and Dover Railway Company.

13. Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the London, Chatham, and Dover Railway Company, shall be done

under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of such railway, stations, bridges, and works respectively, and according to plans to be reasonably approved by him before any such works are begun, and he may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works, and to secure the safety of such railway, stations, bridges, or works, and the cost of all such works, as well as of the superintendence thereof as before provided for, shall be borne and defrayed by the Company, and such works shall be carried out so as not to cause any injury to any such railway, stations, bridges, or works, or any interruption of the passage or conduct of traffic over or at any such railway or stations, and if any injury owing to or by reason of the construction or repair of any of the said works shall arise to any such railway, stations, bridges, or works, or interruption to any such traffic, the Company shall make full compensation in respect thereof to the London, Chatham, and Dover Railway Company.

For protection of sewers, &c. of West Kent Main Sewerage Board.

14. All the works to be done by the Company under or by virtue of this Act shall be so executed as not to obstruct or interfere with the sewers which the West Kent Main Sewerage Board are authorised to construct under the powers of the West Kent Main Sewerage Act, 1875, the West Kent Main Sewerage Amendment Act, 1876, or any Amendment Act that may be passed in the present session of Parliament; and in case it shall be found at any time that the pipes or works of the Company interfere with the proper execution or use of any such sewer, drain, or watercourse, the pipes or other works of the Company shall be forthwith removed or diverted by and at the expense of the Company to the reasonable satisfaction of the engineer of the West Kent Main Sewerage Board: Provided, nevertheless, that the actual necessary expense of such removal or diversion of any pipe of the Company which shall have been laid in a position and on levels approved in writing by the engineer of the West Kent Main Sewerage Board shall be paid to the Company by the West Kent Main Sewerage Board.

As to construction of works near pipes or works of the Bromley Gas Consumers Company.

15. Before executing any works by this Act authorised over, under, or within five feet of any of the pipes or works of the Bromley Gas Consumers Company, the Board shall (except in case of emergency from whatever cause arising) give to the Bromley Gas Consumers Company three days notice in writing of their intention so to do, and the works to which the notice applies shall be constructed under the superintendence and to the reasonable satisfaction of the engineer of the Bromley Gas Consumers Company, and the Board shall take such precautions and do such works for preventing

A.D. 1877.

as far as possible any injury or interruption to the works and gas supply of the Bromley Gas Consumers Company as their engineer shall reasonably require, and shall make good all damage to be occasioned by the construction of such works otherwise than in accordance with any requirement or with the concurrence or consent of the engineer of the Bromley Gas Consumers Company to any pipes or works of that company: Provided always, that if the engineer of that company fail to attend at the time mentioned in the said notice for the commencement of the works therein referred to, or shall refuse or neglect to superintend the construction of the works, or shall make no requisition with reference thereto, the Company may perform the work specified in the notice without the superintendence of the said engineer.

Period for completion of works.

16. The works shown on the deposited plans and by this Act authorised shall be completed within seven years after the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for making the respective works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the respective works as is then completed.

General powers of maintenance &c. of waterworks.

17. Subject to the provisions of this Act, the Company may maintain, manage, regulate, work, and use the waterworks from time to time constructed by them under this Act, and may from time to time enlarge, extend, alter, add to, and discontinue their buildings, wells, pumping stations, mains, pipes, works, and conveniences when and as they find it expedient so to do.

Application of funds.

18. The Company may apply for the purposes of this Act any money which they have raised or are authorised to raise under any of the recited Acts, and not thereby made applicable for any particular purpose, or if so made applicable not required for that purpose.

Power for Company to raise further capital.

19. The Company from time to time may (subject to the provisions of Part II. of the Companies Clauses Act, 1863) raise any additional capital, not exceeding in the whole one hundred and sixty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively, but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation 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.

Incidents of shares or stock.

20. The capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders

thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

21. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

Restriction as to votes in respect of preferential shares or stock.

22. 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.

New shares or stock raised under this Act and any other Act may be of same class.

23. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, the Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

24. The Company may, in respect of the additional capital of one hundred and sixty thousand pounds which they are by this Act authorised to raise from time to time, borrow on mortgage any further sum not exceeding in the whole forty thousand pounds, and of that sum they may borrow not exceeding ten thousand pounds in respect of each forty thousand pounds of their said additional capital, but no part of any such sum of ten thousand pounds shall be borrowed until shares for so much of the forty thousand pounds of additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted, and one half of such portion of capital 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 shares for the whole of such portion of capital have been issued and accepted, and that one half of such portion of capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such portion of the additional capital as is to be raised by means of stock

A.D. 1877.

is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said portion of capital is raised by shares that such persons or corporations, or their executors, administrators, successors, or 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 certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

25. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Rate of dividend on new shares or stock.

26. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum, and the prescribed rate of dividend on any new preference shares or stock created under the powers of this Act shall not exceed six pounds per centum per annum on the amounts actually paid up in each case.

Dividends on different classes of stock or shares to be paid rateably.

27. 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 maximum rate of dividend to which each class of ordinary stock or shares in the capital of the Company is entitled, a rateable deduction shall be made in the dividend of each class.

Repealing provisions of former Acts as to receiver.

28. The provisions of all former Acts relating to the Company for the appointment of a receiver are hereby repealed, but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver.

29. 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. 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 ten thousand pounds in the whole.

Debenture stock.

30. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all

debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages. The prescribed rate of interest upon such debenture shall be such rate not exceeding five per centum per annum as the Company from time to time think fit.

Existing mortgages to have priority.

31. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

As to priority of mortgages and debenture stock.

32. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act 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 Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, 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 mortgage or debenture stock, nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys raised under this Act.

33. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for purposes only of this Act or of the recited Acts relating to the Company.

Application of Metropolis Water Acts.

34. The provisions of the Metropolis Water Act, 1852, as amended by the Metropolis Water Act, 1871, and of the last-mentioned Act, shall apply with respect to and within any and every place which is included within the limits of supply or district of the Company, in the same manner and subject to the like control by the Board of Trade as if such place were a place within the limits of the Metropolis Water Act, 1871; and all regulations made by the Company under the powers of the said Acts, or either of them,

A.D. 1877.

and at the passing of this Act in force within the Company's present water limits, shall extend and apply to and be in force within the whole of the Company's district.

Pipes to be laid down in certain events to all parts of new district.

35. The Company shall cause pipes to be laid down and water brought to every part of the places within their limits of supply for the time being whereunto they shall be required by so many owners or occupiers of houses in that part of their limits as that the aggregate amount of water rate payable by them annually, at the rates which the Company may lawfully demand and take, shall be not less than one-tenth part of the expense of providing and laying down such pipes: Provided that no such requisition shall be binding on the Company unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for three successive years at least.

Provision as to general Acts relating to metropolis water companies.

36. This Act or anything therein shall not exempt that part of the undertaking of the Company which is now within the limits of the Metropolis Water Act, 1871, or the Company in respect thereof, from the provisions of the Metropolis Water Act, 1852, or the Metropolis Water Act, 1871, or any general Act to be hereafter passed with respect to the water companies of the metropolis.

Expenses of Act.

37. All costs, charges, and expenses of and incident to the preparing and applying for, and the obtaining and passing of this Act, shall be paid by the Company out of their capital.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.