CHAP. lxxxiii.

An Act for empowering the Company of Proprietors of Lambeth Waterworks to execute further works, and for extending the limits within which they are authorised to supply water; and for other purposes. [29th June 1871.] A.D. 1871.

WHEREAS by the Lambeth Waterworks Act, 1848, the Company of Proprietors of Lambeth Waterworks (in this Act called the Company) were incorporated and empowered to make and maintain waterworks, and to take water from the Thames at Long Ditton in the county of Surrey, and to supply water within the limits in that Act described: 11 & 12 Vict. c. vii.

And whereas it is expedient that the Company be empowered to make further works, and to take water from the Thames at West Molesey otherwise West Moulsey in the county of Surrey, above the junction of the Mole with the Thames, and that the limits within which they are authorised to supply water be extended:

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

And whereas the authorised share and loan capital of the Company is sufficient for the purposes of this Act:

And whereas plans and sections describing the lines, situations, and levels of the intended works, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Surrey (which are in this Act 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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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 Lambeth Waterworks Act, 1871.

Provisions of general Acts herein named incorporated.

2. The following enactments (as far as they are applicable for the purposes and not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The Waterworks Clauses Act, 1847.

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; namely,

In this Act the term "the Company" means the Company of Proprietors of Lambeth Waterworks:

In this Act and for the purposes thereof in any enactment incorporated therewith the term "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute:

Terms to which meanings are assigned in any enactment incorporated with this Act have in this Act the same respective meanings.

Power to make works.

4. Subject to the provisions of this Act, the Company may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the conduits, aqueducts, reservoirs, lines of pipes, alterations, deviations, diversions, and other works shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and book of reference as they require for that purpose: Provided always, that the Company shall not take any portion of the bed or soil of the River Thames or the towing-path thereof, but they may take a right or easement therein for the purpose of making and maintaining the works by this Act authorised, and such right or easement shall be deemed lands within the meaning of the Lands Clauses Consolidation Acts incorporated with this Act.

Limits of lateral deviation.

5. In the construction of the works authorised by this Act the Company may deviate laterally from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation marked thereon.

Limits of vertical deviation.

6. In the construction of the works authorised by this Act, the Company may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards.

Protection of London and South-western Railway Company.

7. For the protection of the London and South-western Railway Company (in this section called the railway company) the several provisions of this section shall have full effect:

(*a.*) The conduits or lines of pipes and other works proposed by the Company shall be made and maintained in such manner as not in any degree to obstruct or prejudice any part of the railway company's railway, works, or conveniences:

(*b.*) In order thereto the Company from time to time shall submit to the railway company's principal engineer a proper and sufficient description, plan, section, and specification of such parts of such of those works respectively as are to be made within twenty feet of the railway company's railway, works, or lands, for his consideration and reasonable approval thereof, and if in any case he do not within one month after the delivery thereof to him approve the same, with such modifications, if any, thereof as he reasonably requires, and sign the same in testimony of his approval thereof, and deliver the same so signed to the Company, or if the Company object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer to be appointed on the application of the Company and the railway company, or either of them, by the president for the time being of the Institution of Civil Engineers, for his consideration and reasonable approval, to be in like manner testified by his signature, and the Company shall not begin the execution of any of the works so shown on the said plan unless and until the same, with the section and specification thereof, are so approved:

(*c.*) Those works respectively, so far as they directly or indirectly affect any part of the railway company's railway, works, and conveniences, shall, by and at the expense in all things of the Company, be made and for ever after maintained in accordance with the plan, section, and specification so approved, and under the superintendence and to the reasonable satisfaction of railway company's principal engineer, who from time to time may, at the expense of

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the Company, appoint and employ such inspector and watchmen to superintend the execution of the works, and to secure the safety and non-interruption of the railway company's railway and the traffic thereon as he thinks proper:

(*d.*) The Company shall not, without the consent of the railway company testified by writing signed by their secretary, acquire any part of their land or property, but if and where any part of the Company's works is to be executed in or upon any land of the railway company the Company may acquire an easement or right of making and maintaining the work in that land in such manner as not to prejudice any part of the railway company's railway, works, and conveniences.

Plan of works in the Thames to be sent to the Thames Conservators, and works to be done under their superintendence.

8. One month at least before the Company commence any works in the River Thames or in or under the towing-path thereof, they shall deliver at the office of the Conservators of the River Thames or to their engineer a plan and section of such works, and shall give to the said conservators or their engineer at least fourteen days notice in writing of the time when they intend to commence such works, and the same works shall be done under the superintendence of the engineer of the said conservators, if and as long as he thinks fit to give the same, and to the reasonable satisfaction of the said engineer, or, in case of difference, of a competent and impartial civil engineer to be appointed on the application of either party by the Board of Trade.

Lights to be exhibited.

9. During the construction of any of the works upon the bed, shore, towing-paths, or banks of the River Thames, and of any creek or inlet thereof, the Company shall exhibit such lights, from sunset to sunrise, upon the works and in such position as the conservators may from time to time deem necessary for the safe navigation and guidance of vessels, and which they shall by writing under the hand of their secretary direct, and in case the said Company shall neglect to exhibit and keep the lights as required burning they shall forfeit and pay for every such offence not exceeding the sum of twenty pounds.

Restriction on Company placing buoys in Thames.

10. No buoy, dolphin, mooring post, or mooring craft shall be laid down or placed by the Company in any part of the River Thames, or of any creek or inlet thereof, without the consent in writing of the Conservators of the River Thames.

Period for completion of works.

11. If the conduits or aqueducts and reservoirs shown on the deposited plans and authorised by this Act are not completed within seven years from the passing of this Act, then on the expiration of

that period the powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this Act shall restrict the Company from extending, enlarging, or altering any of their apparatus, mains, or pipes at any time and from time to time, as occasion may require, for the purpose of supplying the inhabitants within the limits of the Company's Acts with water.

Powers for compulsory purchases limited.

12. The powers of the Company for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to agree for easements, &c.

13. The Company may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege (not being an easement or right of taking water) in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands and grant easements, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purposes any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to take additional lands by agreement.

14. The Company may from time to time by virtue of this Act (in addition to the lands which they are authorised to take compulsorily under this Act, and in addition to any extent of lands which they are authorised to take by agreement independently of this Act) purchase by agreement and hold any lands not exceeding in extent in the whole ten acres.

Power to take water from Thames in West Molesey.

15. The Company, within the limits described in this behalf on the deposited plans, may take water from the Thames in the parish of West Molesey otherwise West Moulsey in the county of Surrey for the purpose of supplying water within the limits within which they are authorised to supply water, and the other purposes of the former Acts relating to the Company and this Act.

Extension of limits for supply of water.

16. The limits of the Lambeth Waterworks Act, 1848, shall include, in addition to the parishes and places described in section 11 of that Act, the following parishes; (namely,) West Molesey otherwise West Moulsey, and East Molesey otherwise East Moulsey, both in the county of Surrey, and the Company accordingly in and in relation to those parishes may exercise and shall be subject to the same powers and obligations as by virtue of the Lambeth Waterworks Act, 1848, and any other Act relating to the Company and this Act, they might have exercised or would have been subject to

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in or in relation to those parishes had they been originally comprised in the limits of the Lambeth Waterworks Act, 1848.

Application of existing capital.

17. The Company may apply for the purposes of this Act any money which they are already authorised to raise by shares or stock or by borrowing, and which is not required for purposes of the Lambeth Waterworks Act, 1848, or of any other Act relating to the Company.

Notice of discontinuance.

18. A notice to the Company for the discontinuance of a supply of water shall not be of any effect unless it is in writing, and is left at the principal office for the time being of the Company.

Disqualification of directors.

19. Nothing in any former Act relating to the Company or this Act or any Act incorporated therewith shall disqualify or be deemed to have disqualified any person from being a director of the Company, or make or be deemed to have made the office of any director of the Company vacant by reason of his being interested or directly or indirectly concerned in any contract with the Company relating to the lease, sale, purchase, user, or temporary or other occupation of lands for any purpose of the Company's undertaking, or in any loan of money or security for the payment of money to the Company for any purpose of their undertaking, or in any contract for supply of water by the Company to him or for his use, or in any contract for the hiring by the Company to him of any meter; but no such director shall vote on any question as to any such contract, loan, or security.

Judges, &c. not disqualified.

20. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act relating to the Company by reason of his being liable to any water rent, meter hire, or other charge due to the Company, or by reason of his being a shareholder in the Company.

Contents of summons, &c.

21. Any summons or warrant issued for any purpose of any Act relating to the Company may contain in the body thereof, or in a schedule thereto, several names and several sums.

Costs of distress.

22. Any justice who issues a warrant of distress for any purpose of any Act relating to the Company may order that the costs of the proceedings for recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Penalties not cumulative.

23. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose each of the Acts relating to the Company, and

any Act incorporated wholly or in part therewith, shall be deemed several Acts.

Saving agreement of 24th of June 1851.

24. Nothing in this Act contained shall prejudice or affect a certain agreement, bearing date the twenty-fourth day of June one thousand eight hundred and fifty-one, made between the Company of Proprietors of Lambeth Waterworks of the one part and the mayor and commonalty and citizens of the city of London of the other part, but the said agreement shall remain in full force and virtue, and shall be applicable in all respects as if the said agreement contemplated the taking of water by the Company from the Thames at West Molesey, as by this Act authorised, instead of at any other place contemplated or referred to by the said agreement: Provided always, that the said agreement shall be read and construed as if it was thereby provided that the annual sum of two hundred and fifty pounds was from and after the passing of this Act to be paid by the Company to the Conservators of the Thames in lieu of the annual sum of two hundred pounds as by the said agreement provided.

Saving the rights of the Thames Conservators.

25. Except as by this Act expressly enacted, nothing in this Act shall prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the Conservators of the River Thames, or prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the conservators might lawfully claim, use, or exercise.

Company not exempt from general Acts.

26. Nothing in this Act shall exempt the Company from the Metropolis Water Act, 1852, or any other general Act relating to the supply of water to the metropolis or the suburbs thereof passed before or in the present session of Parliament.

Expenses of Act.

27. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

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