CHAPTER cli.

An Act for reincorporating and conferring powers on the Llanfairfechan Waterworks Company Limited. A.D. 1884.

[14th July 1884.]

WHEREAS in the year one thousand eight hundred and seventy-two certain persons formed themselves into a company under the name of the Llanfairfechan Waterworks Company Limited herein-after referred to as "the Limited Company" for the purpose of supplying with water the inhabitants of the parish of Llanfairfechan in the county of Carnarvon and generally for carrying on the business usually carried on by water companies and such company was duly registered under the Joint Stock Companies Act 1862:

And whereas the present share capital of the Limited Company consists of two thousand pounds divided into four hundred shares of five pounds each the whole of which shares have been created and issued and fully paid up:

And whereas in addition to the said sums respectively paid up on share capital there has been expended by the Limited Company on their works and undertaking a sum of one thousand pounds and upwards out of revenue:

And whereas the Limited Company are possessed of certain lands reservoirs springs waters streams pipes and other works and they are now supplying the said parish of Llanfairfechan with water:

And whereas the Limited Company have not any mortgage debt:

And whereas the demand for water within the district and vicinity supplied by the Limited Company has of late years increased and is still increasing and it is desirable to extend the works of the Limited Company and to improve the source of supply:

And whereas it is expedient that the Limited Company should be dissolved and that the members of the Limited Company and others should be incorporated into a company (in this Act called "the Company") and authorised to maintain and continue the existing waterworks of the Limited Company and to make and maintain additional waterworks and to supply water within the

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limits in this Act mentioned and otherwise to carry the undertaking into execution and to acquire additional lands and raise further capital as by this Act provided:

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained:

And whereas plans of the lands above referred to and plans and sections showing the lines and levels of the intended works and also books of reference to the 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 duly deposited with the clerk of the peace of the county of Carnarvon which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid 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 as the Llanfairfechan Waterworks Act 1884.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 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 Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Acts 1847 and 1863 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 and the said provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith and as if such reservoirs and works were therein referred to instead of the railway and the boundaries of the said reservoirs and works were therein mentioned instead of the centre of the railway and the prescribed limits shall be one hundred yards from the margin of the intended reservoirs and works.

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Interpretation.

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

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks by this Act authorised to be constructed and also the existing waterworks of the Limited Company by this Act vested in and authorised to be held made maintained and continued by the Company and all the lands buildings estate right title property privileges effects and the undertaking of the Company:

The expression "the Company" means the Company incorporated by this Act:

The expression "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute: and

The expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Limits of Act.

4. The limits of this Act for the supply of water by the Company shall comprise the parish of Llanfairfechan in the county of Carnarvon:

Provided that if the Company shall not have made adequate provision to the reasonable satisfaction of the Local Government Board for supplying the said parish with water within five years after the period herein-after fixed for the completion of the works the restriction on the construction of waterworks by a local authority by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of the said parish.

Dissolution of Limited Company and incorporation of Company.

5. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that Company and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of continuing making and maintaining waterworks and supplying water within the limits of this Act and carrying on the business of a waterworks company and for other the purposes of this Act and for those purposes shall be and are

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hereby incorporated by the name of "the Llanfairfechan Water-"works Company" and by that name shall be 'a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Present property of Limited Company vested in Company.

6. Subject to the provisions of this Act the waterworks and the undertaking which immediately before the passing of this Act were the property of or vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for recovered dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

7. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done and suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Limited Company had not been dissolved and the said memorandum and articles of association had not been avoided and the Company had not been incorporated by this Act and such avoidance and incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done

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or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to with or on behalf of the Limited Company and any other person or persons shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company the Company had been a party thereto.

Actions &c. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

11. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

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Company to satisfy liabilities of Limited Company.

12. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of water rates &c.

13. All water rates and rents and other sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

14. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates to remain in force.

15. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c., continued evidence.

16. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

17. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

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Present register of members to be continued.

18. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of such shares shall and may continue to be kept for the same purpose by the Company in relation to the capital stock by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of that stock shall be provided by the Company be taken and considered as the register of stockholders required to be kept by the Companies Clauses Consolidation Act 1845.

Original capital.

19. The original capital of the Company shall be three thousand pounds and shall consist of capital stock (which shall be deemed to be fully paid up and is herein-after referred to as "original capital stock").

Original capital stock to vest in shareholders of Limited Company.

20. The original capital stock is by this Act vested in the several persons and corporations who immediately before the time of vesting were the registered members of the Limited Company in proportion to their respective holdings in and in substitution for their shares in the Limited Company and every portion of stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the time of vesting affected the share or shares for which the same is substituted and so as to give effect to and not revoke any deed testamentary disposition or other instrument of or affecting the same and every deed testamentary disposition or other instrument affecting such share capital shall be held to apply to the whole or a proportionate amount as the case may be of the stock so substituted therefor.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

21. The Company shall as soon as conveniently may be after the passing of this Act call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of shares issued to them before the time of vesting or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to Company to raise additional capital.

22. The Company may from time to time raise (in addition to their original capital) any further capital not exceeding in the whole four 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 ten pounds.

Shares not to be issued until one-fifth part thereof shall have been paid up.

23. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.

Calls.

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

Dividends on original capital stock and additional capital.

25. The Company shall not in any one year pay out of their profits any larger dividends on the original capital stock than ten pounds in respect of every one hundred pounds nor on the additional share 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 or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Receipts on behalf of incapacitated persons.

26. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Representation of the Company in case of bankruptcy.

27. In all proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with creditors whether under the present or any future Bankruptcy Act or under any sequestration the secretary of the Company or any person appointed in this behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts or omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Power to borrow in respect of original capital stock.

28. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of their original capital stock any sums not exceeding in the whole one-fourth part of the nominal amount of such stock.

Power to borrow in respect of additional capital.

29. In addition to the money which the Company are authorised to borrow under the last preceding section they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of four thousand pounds which they are by this Act authorised to raise any sum not exceeding in the whole one thousand pounds and the Company may as each sum of one thousand pounds of the additional capital has been issued and accepted and

one-half thereof has been paid up borrow any sum not exceeding in the whole two hundred and fifty pounds but no part of any such sum of two hundred and fifty pounds shall be borrowed until the whole of the portion of additional capital in respect of which the borrowing power is to be exercised is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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.

30. 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 the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

31. 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 one hundred pounds in the whole.

Power to create debenture stock.

32. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were

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authorised) and shall have priority over all principal moneys secured by such mortgages.

Moneys borrowed on mortgage or debenture stock to have priority.

33. All moneys raised or 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 on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purpose of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

34. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First and subsequent meetings.

35. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held at least once in every year in the month of January or at such other time as the directors may appoint.

Votes.

36. At all meetings of the Company every shareholder shall be entitled to one vote in respect of every share.

Number of directors.

37. Subject to the provisions herein-after contained for reducing the number of directors the number of the directors shall be six Provided that the Company may from time to time reduce the number of directors but so that the number be never less than three.

Qualification of directors.

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

Quorum of directors.

39. The quorum of a meeting of directors if the number of directors for the time being be six shall be four and if the number of directors for the time being be five or four the quorum shall be three and if the number be reduced to three the quorum shall be two.

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First directors:

40. Robert Hughes, Edmund James Briggs, Richard John Jones, Robert Roberts, John Williams, and Edmund Russell Roberts shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Contracts not to disqualify for office of director.

41. Any contract to be made under this Act with any local board trustees or commissioners under any Act of Parliament or with any public corporation or body shall not disqualify any of the members of such board commission trust public corporation or body for the office of director of the Company and no director or shareholder of the Company shall be disqualified as such commissioner trustee or member by reason of any contract under this Act between the Company and such local board commissioners trustees public corporation or body and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board commission trust or public corporation or body shall vote upon any question with reference to any contract with such local board commissioners trustees public corporation or body at any meeting of such board commissioners trustees public corporation or body or at any committee appointed by such board commissioners trustees public corporation or body on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder.

Auditors need not hold shares.

42. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands.

43. Subject to the provisions of this Act the Company may from time to time enter upon take and use such of the lands and streams delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act.

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Power to maintain existing waterworks.

44. Subject to the provisions of this Act the Company may hold use maintain continue alter improve enlarge and extend the waterworks and all other works and conveniences connected therewith and may supply and sell water within the limits of this Act.

Power to make new waterworks.

45. Subject to the provisions of this Act the Company may from time to time do the following acts and things:

They may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works shown thereon including the following works wholly situated in the parish of Llanfairfechan in the county of Carnarvon (that is to say):—

No. 1. A collecting reservoir (No. 1) to be formed by means of an embankment one chain or thereabouts in length across the river Glan-y-Sais at a point thereon eighteen chains or thereabouts above the junction with the said river of the tributary stream running into it (measured along the bed of stream) and thirty-one chains fifty links or thereabouts in a straight line above and southward from the Camer Naint farmhouse in the said parish The reservoir will be situate in mountain lands belonging or reputed to belong to Joseph Evans and in the occupation of Richard Williams and extend in a southerly direction for twenty yards or thereabouts from the said embankment together with a cutting from the said reservoir for a temporary diversion of stream into the said tributary brook:

No. 2. A reservoir and overflow (No. 2) to be formed by the construction of a dam of masonry concrete and earthwork two chains or thereabouts in length across the river Glan-y-Sais at a point nine chains or thereabouts above the aforesaid junction of streams measured as aforesaid and twenty-five chains or thereabouts above and southward from Camer Naint farmhouse aforesaid The said reservoir will be situate in the lands above described and will extend up the said river for a distance of three chains and seventy links measured in a straight line from and to the southward of the centre of the said intended embankment:

No. 3. An aqueduct conduit or line of pipes (No. 3) commencing in the said intended reservoir (No. 2) at the north end thereof at a point on the right bank of the river seventy-five yards or thereabouts south-west by west of a cowshed standing in the lands belonging to the aforesaid farm and terminating in the screening house (herein referred to as work No. 4) at the south-east end thereof at a point about

fifteen yards from the east corner of a field forming part of Typitch Farm and called Cae Typitch belonging or reputed to belong to Mrs. W. E. Williams and Robert Williams and in the occupation of William Roberts with valves ventilators and necessary fittings:

No. 4. A screening-house filter bed and clean water tank (No. 4) with valves screens overflow and other necessary fittings situate in the eastern corner of the aforesaid field called Cae Typitch:

No. 5. An aqueduct conduit or line of pipes (No. 5) commencing at the north end of work No. 4 at a point fifty yards or thereabouts west from the said eastern corner of the field called Cae Typitch and about fifteen yards from the high road leading from Llanfairfechan to the mountains and terminating at the south corner of the existing reservoir of the Company at a point forty-five yards or thereabouts from the centre of the iron footbridge over the river and one hundred and forty-five yards or thereabouts to the north of Typitch farmhouse:

They may make erect lay down provide maintain alter improve enlarge extend and renew or discontinue all wells pumping engines tanks cuts adits channels aqueducts conduits pipes machinery apparatus buildings works and conveniences as they may deem expedient for collecting impounding storing and distributing water and subject to any special provisions in this Act contained they may collect and impound by and in their works and thence distribute all or any wells springs streams and waters delineated on the deposited plans and described in the deposited books of reference which can or may be intercepted or taken by the waterworks or may be required by the Company for the purpose of water supply.

For protection of Sydney Platt.

46. Provided however that the Company shall not (except as after mentioned) after completion of the works hereby authorised collect or impound any stream or water flowing into the River Glan-y-Sais or into the Llanfairfechan River or any tributary thereof at any point below the reservoir No. 2 shown on the deposited plans and the Company shall not make use of the conduit which now connects the existing reservoir of the Company with the Llanfairfechan River for the purpose of taking water from such river excepting in case of accident or of other need of repair of the works of the Company above such existing reservoir in any of which cases such conduit may be so used during process of such repair and no longer and the Company shall make full compensation for any damage which may be occasioned to Sydney Platt or his tenants of

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the mills or other properties by the taking of such water to be settled by arbitration in case of dispute.

Supply of water to Sydney Platt.

47. In case the quantity of water flowing into the reservoir of the said Sydney Platt situated near the Llanfairfechan River should at any time be insufficient for the supply of properties on his estate the Company shall convey into such reservoir a sufficient supply for the same at half the charge made by them to the general public such reservoir and the pipes leading therefrom to be maintained at the cost of the said Sydney Platt.

Gauge or weir.

48. The Company shall without unreasonable delay make and maintain as part of the works authorised by this Act at a point on the Llanfairfechan River above the point of intake to Davies' Mill to be agreed on by the engineer for the time being of the Company and the agent of Sydney Platt on land of the said Sydney Platt and with his permission a weir with a gauge or other apparatus proper and sufficient for the purpose of testing the quantity of water passing such point and if at any time it shall appear that such quantity shall be less than thirty thousand gallons per hour it shall be lawful for the said Sydney Platt or other person for the time being owning or occupying the Bryn-y-Neuadd Estate or either of the two mills now belonging to him on the Llanfairfechan River to give notice thereof to the Company in writing and thereupon the Company shall until the water passing such point shall again amount to thirty thousand gallons per hour wholly abstain from collecting or impounding any water flowing into the River Glan-y-Sais If the Company shall collect or impound any water from or flowing into the River Glan-y-Sais in contravention of the provisions of this section or shall wilfully or negligently fail to maintain the said weir and apparatus in a proper state of repair the Company shall pay to the lessee or occupier of each of the said mills for the time being the sum of five shillings for every day on which such failure or breach of the provisions of this section shall occur and such sum shall be recoverable against the Company as liquidated damages and the owner or owners and lessees or occupiers for the time being of the mills called Felin Ucha and Felin Issa and their agents shall at all times during the day have access to the said gauge and facilities for observing the same.

Penalty.

For the protection of the London and North-western Railway Company.

49. The following provisions for the protection of the London and North-western Railway Company shall have full force and effect and be binding upon the Company:

In laying down executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the said railway

company or the bridges approaches viaducts stations or other works or any level crossings of such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the said railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any stations thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts matters operations and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Company by all and the same means as any simple contract debt is recoverable Nothing contained in this Act shall prejudice lessen take away or interfere with any right power or privilege which the railway company claim or enjoy of taking or using water from the Llanfairfechan River.

Saving rights of the Crown.

50. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Lateral and vertical deviation.

51. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown or described on the deposited plans to any extent within the limits of deviation shown thereon and may deviate vertically from the levels thereof

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shown on the deposited sections to any extent not exceeding in the case of a reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards or downwards. Provided always that the respective heights of the embankments of the reservoirs above the general surface of the ground as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid Provided also that the Company may erect any water tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act.

Period for compulsory purchase of lands.

52. 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 after the passing of this Act.

Power to acquire additional lands by agreement.

53. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase in fee either absolutely or in consideration of any yearly or other rent any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the undertaking Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks.

Period for completion of works.

54. If the waterworks authorised by this Act and shown on the deposited plans 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 to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging deepening increasing the number of altering or removing any of their engines machinery wells adits mains pipes or other works from time to time as the Company shall think fit for supplying water within the limits or under the powers of this Act.

Power to take easements &c. by agreement.

55. 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 of this Act grant to the Company any lease or leases of any lands or any easements rights or privileges in over or affecting any lands (not being an easement right or privilege of water) and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as

the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid respectively.

Reservation of water rights &c. on sale.

56. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may make any such sale subject to such other reservations special conditions restrictions and provisions for the protection of the waterworks and water supply of the Company as they think fit.

Pressure &c.

57. Water supplied under this Act need not be constantly laid on under pressure until the works hereby authorised are completed nor supplied in any case at a pressure greater than that to be afforded by gravitation from the clean water tank herein described as work No. 4.

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

58. The Company shall on the application of any person who under the provisions of this Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic use at the following yearly rates (that is to say):—

Where the annual value of the premises supplied does not exceed five pounds at a rate not exceeding seven shillings per annum:

Where such annual value shall exceed five pounds a yearly rate not exceeding eight pounds per centum on such annual value:

Provided that the Company shall not be compelled to supply water to any person for a less period than twelve months but this provision shall not apply to any person who shall remove from and vacate his dwelling between any two quarterly days of payment in which case the water rate in respect of such dwelling shall be payable only up to the quarterly day of payment next after his quitting or vacating the same.

Rates for watercloseets and baths.

59. The Company may charge in any one year in respect of every bath supplied with water in or belonging to any private dwelling-house a sum of ten shillings and in respect of any water-closet beyond the first a sum not exceeding five shillings and such sum may be received with and as part of or be recovered by the same means as the rate for supplying water for domestic purposes Provided always that for baths containing when filled for use a greater quantity of water than fifty gallons the Company may charge an increased rate in proportion to the size of such baths.

For preventing the fouling of water.

60. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as

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to prevent the waste undue consumption or contamination of the water of the Company.

Power to Company to supply water for other than domestic purposes and by measure.

61. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit so long as the affording such supply shall not prevent the Company from giving a full and efficient supply for domestic purposes within the limits of this Act and may enter into agreements for the supply of water by measure either for domestic or other purposes.

Regulations for preventing waste of water.

62. The Company may from time to time (so soon as they shall be under an obligation to afford a constant supply but not sooner) make regulations to be observed in the construction and use of water fittings and amongst other things may prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation of regulations.

63. No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same And no such regulations shall be confirmed unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulating within the district to which such regulations relate and until the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply any of whom may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient Provided also that no such regulations shall be of any effect in any part of the Company's district in which they are not under an obligation to afford and do not in fact afford a constant supply.

Publication of regulations.

64. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Regulations subject to provisions of Public Health Act 1875.

65. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the aforesaid regulations were bye-laws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

Evidence of regulations.

66. A printed copy of any such regulations as aforesaid dated and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

For enforcing regulations.

67. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company they may refuse to supply water or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with: Provided that in cases of accident emergency or necessary repairs the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had twenty-four hours' notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same.

Disputes to be determined by justices.

68. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be decided by two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Company may repair pipes at expense of customers.

69. Where any person supplied with water by the Company after twenty-four hours' notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's officers may

70. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the

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enter building.

forenoon and four in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company not bound to supply water in certain cases.

71. The Company shall not be compelled to supply any dwelling-house with water (otherwise than by agreement) where any part of such dwelling-house is used for any trade other than that of a lodging-house keeper or for any manufacturing purpose or any business of a nature for which water is required.

Company may take deposit.

72. In the case of all agreements or contracts for the supply of water by the Company for other than domestic purposes the Company may demand and receive payment in advance by way of deposit Provided always that the Company shall deduct the amount of such deposit from the amount payable under any such agreement or contract by the person who made such deposit as aforesaid.

Times for payment of water rates.

73. The rates for a supply of water for domestic purposes shall be payable in advance by equal quarterly payments on the thirtieth day of March thirtieth day of June thirtieth day of September and the thirtieth day of December respectively in each year.

Provisions as to supply of part of premises.

74. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house and premises.

Supply of water to tenements in a row.

75. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water and every person so taking or using water or allowing the same to be used contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Register of meters to be primâ facie evidence.

76. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Fraudulently injuring meters &c.

77. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging

to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding ten pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Entry on premises to cut off supply.

78. In all cases in which the Company are authorised to cut off the pipe or stop or discontinue the supply of water to any premises the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises through which such pipe or supply passes between the hours of nine in the forenoon and four in the afternoon.

Notice before entry.

79. The notice to be given by the Company previously to making an entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say) :—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry :

If such premises be unoccupied and the owner thereof and his usual place of abode be in England or Wales and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry :

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or Wales or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises previously to such entry :

And for the purposes of this section any person receiving the rack rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

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Incoming tenant not liable for arrears.

80. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Recovery of sums due.

81. If any person fails to pay any water rent meter rent rate damages penalty costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent jurisdiction or if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages penalty costs expenses or other sum.

Notice of discontinuance.

82. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office for the time being of the Company.

Contracts for supplying water for public purposes.

83. The Company may from time to time enter into and carry into effect agreements with any local board sanitary authority company public body officers or persons for the supply by the Company within the limits of this Act of water in bulk to or for such local boards sanitary authorities companies public bodies officers or persons respectively and for what purposes soever and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that such supply do not interfere with the supply of water for domestic purposes within the limits of supply.

Liability to water rent not to disqualify justices.

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

Costs of distress.

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

Penalties not cumulative.

86. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and

for this purpose this Act and any Act wholly or partially incorporated herewith shall be deemed several Acts.

Authentication of notices.

87. Any summons warrant demand or notice or other such document to be issued or given for any of the purposes of this Act may be in writing or print or partly in writing and partly in print and if the same require authentication by the Company the signature thereof by the secretary of the Company shall be a sufficient authentication.

Contents of summons.

88. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Application of penalties.

89. Every penalty imposed by this Act or any Act incorporated herewith shall (except when otherwise expressly provided and except when the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Costs of Act.

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.