CHAPTER cci.

An Act for conferring further Powers on the Southwark and Vauxhall Water Company. [28th July 1884.]

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WHEREAS the Southwark and Vauxhall Water Company (in this Act called "the Company") by an Act passed in the eighth and ninth years of Her present Majesty Queen Victoria chapter sixty-nine and by the Southwark and Vauxhall Water Act 1852 (in this Act called "the Act of 1852") or one of them were incorporated and authorised to make and maintain waterworks and to supply with water and accordingly are supplying with water parts of the counties of Surrey and Kent:

And whereas further powers have from time to time been conferred upon the Company by the several Acts following (that is to say): the Southwark and Vauxhall Water Act 1855 the Southwark and Vauxhall Water Act 1864 the Southwark and Vauxhall Water Act 1867 and the Southwark and Vauxhall Water Act 1872 which last-mentioned Acts together with the Southwark and Vauxhall Water Act 1852 are in this Act referred to as "the recited Acts":

And whereas the authorised share capital of the Company is of the amount of one million five hundred and eighteen thousand pounds and the authorised loan capital of the Company is of the amount of four hundred and eighty-two thousand pounds and the whole of such share and loan capital has been raised and expended for the purposes of the Company or used as working capital with the exception of a sum of one hundred and twenty-eight thousand pounds of authorised share capital and a sum of fifty thousand pounds of authorised loan capital:

And whereas the Company have at various times and at the request of persons requiring a supply of water extended their mains and other pipes into and have afforded and are now affording a supply of water to parishes townships and places not within their authorised limits of supply but within the limits of supply as

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extended by this Act and in so doing have expended large sums of money and it is expedient that the acts and expenditure of the Company in relation to such supply should be sanctioned and confirmed:

And whereas it is expedient that the Company be empowered to continue to give such supply and that the limits within which the Company are authorised to supply water should be extended so as to include the several places in that behalf in this Act mentioned:

And whereas it is also expedient that further powers with respect to the purchase of land and with respect to other matters be conferred on the Company and that the powers of the Company be in various respects enlarged and the Acts relating to the Company be in divers particulars extended and amended:

And whereas it is expedient that the provisions in this Act contained should be made for enabling the Company and the Company of Proprietors of Lambeth Waterworks (hereinafter referred as "the Lambeth Company") to enter into agreements such as are by this Act authorised:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Southwark and Vauxhall Water Act 1884.

Provisions of recited Acts incorporated.

2. The provisions of the recited Acts so far as they are not expressly repealed or varied by and are not inconsistent with the provisions of this or any subsequent Act shall be incorporated with this Act.

Incorporation of general Acts.

3. The Waterworks Clauses Acts 1847 and 1863 (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

Interpretation.

4. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it

is used was a common simple contract debt and not a debt or demand created by statute.

Extension of limits of supply.

5. From and after the passing of this Act the Company's limits for the supply of water shall extend to and include the several parishes townships and places following (that is to say) Ham Petersham Kew East Sheen Sheen Roehampton Mortlake Barnes Putney and such parts of the parish of Wimbledon as are situate above the one hundred feet Ordnance contour line all in the county of Surrey and the recited Acts shall be in force within the said parishes townships and places in the same manner as within the existing limits of the Company.

The said existing and extended limits of the Company for the supply of water are for greater certainty shown upon the plan in duplicate signed by the Right Honourable William Baron Romilly the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred in its passage through that House on which plan the existing limits are distinguished by a red colour and the extended limits by a blue colour and one copy of such plan shall be deposited in the office of the Clerk of the Parliaments and the other copy shall be deposited at the chief office for the time being of the Company.

Repeal of section 48 of the Act of 1852.

6. From and after the passing of this Act section forty-eight of the Act of 1852 shall cease and be of no effect within the district of the Wimbledon Local Board.

Providing for constant supply to parts of parish of Wimbledon.

7. For enabling and requiring the Company to furnish at any time after the expiration of twelve months from the passing of this Act within parts of the parish of Wimbledon a constant supply of water such parts of the parish of Wimbledon as are situate above the one hundred feet Ordnance contour line (hereinafter called "the Wimbledon district") shall be deemed to be within the Metropolis as defined by the Metropolis Water Act 1871 and the provisions of that Act relating to constant supply (except sections nine eleven twelve and thirteen thereof) shall be applicable throughout the Wimbledon district as though that district had been expressly included within the limits of the Metropolis Water Act 1871 and as though the Wimbledon Local Board were a metropolitan authority within the meaning of that Act and the Acts amending the same.

Supply of water for flushing sewers &c.

8. The Company shall at all times provide a sufficient supply of water for watering streets and flushing sewers within the Wimbledon district at a price not exceeding eight pence halfpenny per one thousand gallons and the Wimbledon Local Board shall

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provide and keep in proper repair sufficient meters to the reasonable satisfaction of the engineer of the Company for the purpose of ascertaining the amount of water consumed for such purposes.

Power to renew mains &c.

9. The Company may upon any lands from time to time belonging to them make maintain repair renew and remove mains pipes conduits channels adits wells pumping stations engines and other works and conveniences for obtaining collecting filtering and distributing water.

Confirmation of acts of the Company.

10. The acts and expenditure of the Company in extending their mains and pipes into and affording a supply of water to parishes townships and places not within their authorised limits of supply but within the limits of supply as extended by this Act are hereby declared to be as valid as if such acts and expenditure respectively had been done and incurred within the authorised limits of supply.

For the protection of the London and South Western Railway Company.

11. And whereas this Act will authorise the Company to continue and maintain the existing aqueducts culverts pipes mains branches or other works of the Company which now exist under or over or affecting the works and lands of the London and South Western Railway Company (hereinafter called "the Railway Company") and will further authorise the construction and maintenance of other additional works and it is expedient that the said works shall be so constructed and maintained as not to interfere with the safety or convenience of the traffic upon the railway of the Railway Company and so as to cause no prejudice thereto Therefore notwithstanding anything in this Act or in any Act incorporated herewith contained it shall not be lawful for the Company to enter upon or interfere with the said railway or any part thereof or the land and works thereof or belonging thereto or to execute any work whatsoever whether of construction maintenance or repair under or over or affecting the same until after the Company shall have delivered to the Railway Company plans and drawings of the works proposed to be so executed with specifications in writing describing the proposed manner of executing the same and shall have obtained from the principal engineer of the Railway Company a certificate under his hand approving of such plans specifications and proposed manner of executing the said works which certificate shall not be unreasonably refused and the same works shall be executed accordingly under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Railway Company Provided always that in case the principal engineer of the Railway Company shall not so approve and certify his approval of the plans drawings and specifications furnished by the Company within one calendar

month after the same shall have been so delivered then on the application of either Company the plans drawings and specifications of the said proposed works shall be settled by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers whose decision shall be final and binding and the expense of the reference shall be in the discretion of the referee.

The Company shall bear the expense of and incidental to the superintendence and watching by the Railway Company or their officers staff and men of all or any of the works by this Act authorised to continue (if they exist) or to be constructed during the progress of construction or maintenance alteration repair or otherwise by which any portion of the lands or works of the Railway Company shall be interfered with.

Provided always that nothing contained in this Act or in any Act incorporated herewith shall authorise the Company to take or enter upon any of the lands or grounds belonging to the Railway Company or to alter vary or interfere with the said railway or any of the works thereof further or otherwise than is hereby expressly authorised without the consent in writing under the common seal of the Railway Company in every instance for that purpose.

Provided also that notwithstanding anything contained in this Act or in any Act incorporated herewith it shall not be lawful for the Company without such consent of the Railway Company as last aforesaid to acquire any right or property in any of the lands of the Railway Company other than the right subject to the provisions of this Act for executing the several works necessary and proper for constructing and maintaining the works by this Act authorised upon over through or under the lands of the Railway Company and for repairing the same works and all such repairs shall from time to time be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Railway Company for the time being and if he shall in writing so require according to the plans drawings and specifications to be approved in manner herein directed and that the Company shall on demand pay to the Railway Company all expenses hereafter reasonably and fairly occasioned to or incurred by them for or by reason of the construction and maintenance or repair of all or any of the works upon over under or across the said railway and the lands and works thereof authorised by this Act or any Act incorporated herewith or for or by reason of the superintendence by the Railway Company of the construction maintenance and repair of the same works.

Provided also if by reason of the construction maintenance or repair or through the failure of any of the works whether existing or to be constructed upon over or under or affecting the said

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railway interruption shall at any time be occasioned to the traffic passing thereon respectively the Company shall forfeit and pay to the Railway Company the sum of fifty pounds by way of liquidated damages for every twenty-four hours or in proportion for any less period during which such interruption shall continue such sum to be recovered by the Railway Company in any court of competent jurisdiction.

For preventing fouling of water.

12. The Company shall not be compelled to supply with water any watercloset or any private fixed bath or other apparatus or the pipes connected therewith respectively unless the same be constructed and used so as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company.

Power to enter for purpose of cutting off supply &c.

13. Where the Company is authorised by reason of neglect to pay any water rate or for any other statutory cause to cut off or remove any pipe or work or turn off any supply of water their officers and workmen after giving twenty-four hours' notice to the occupier or if there be no occupier to the owner of the building or land in respect of which default has been made may enter into or upon such building or land between the hours of nine in the forenoon and four in the afternoon or with the authority in writing of a justice at any other time and may therein do all acts necessary or proper for cutting off or removing or turning off such pipe or work or supply (as the case may be) and may remove and carry away any meter pipe instrument or apparatus the property of the Company making compensation to the owner or occupier for any actual damage occasioned to the building land or property of such owner or occupier and if any person obstructs or attempts to obstruct or incites any person to obstruct any officer or workman of the Company in the exercise of any power conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Contents of summons &c.

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

Costs of distress.

15. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of 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.

Power to take lands

16. The Company may from time to time for the purposes of their undertaking purchase by agreement in addition to lands

which they are by any of the recited Acts authorised to purchase by agreement any lands not exceeding in the whole thirty acres Provided always that except upon a certain piece of land situate at Battersea in the county of Surrey adjacent to the Company's reservoirs there and used as a dust-yard and containing one acre one rood twenty-six perches and twenty yards the Company shall not erect or authorise or permit the erection on any of such lands whilst the same are held by them of any buildings other than buildings necessary for or connected with their waterworks or dwellings for officers servants or workmen of the Company Provided further that the powers conferred by this Act to purchase lands shall not be exercised for the purchase of any land situate within the city of Westminster nor within the county of Middlesex east of the parish of Hampton Provided also that the Company shall not in the event of their at any time purchasing land situate in a district now supplied by the Company of Proprietors of the Kent Waterworks (hereinafter called "the Kent Company") be at liberty to obtain a supply of water therefrom nor from land so situate supply any portion of a district now supplied by the Kent Company Provided also that the Company shall not in the event of their at any time purchasing under the powers of this Act land situate in a district which the Lambeth Company have exclusive powers to supply be at liberty to obtain a supply of water therefrom nor from any land so situate supply a district in which that Company has such exclusive powers.

by agreement.

17. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or lease 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 easement right or privilege not being an easement 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 rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

18. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have in their hands or which they are by the recited Acts or any of them authorised to raise and which may not be required for the purposes to which they are by those Acts made applicable.

Application of authorised funds.

19. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation urban or rural sanitary

Supply of water in bulk.

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authority or other local authority and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the Company think fit and the Company may by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto Provided that the powers conferred by this section shall not be exercised in any district within which the Kent Company or the Lambeth Company shall from the passing of this Act have exclusive powers to supply nor within the city of Westminster nor within the county of Middlesex where the West Middlesex Waterworks Company have power to supply.

Provisions for the protection of the Vestry of Richmond.

20. For the protection of the Vestry of the parish of Richmond in the county of Surrey the urban sanitary authority for the urban sanitary district of Richmond (hereinafter in this section called "the Vestry") the following provisions shall have effect (that is to say):

(A) Subject to the provisions hereinafter contained the Company shall from time to time if and when required by the Vestry supply to the Vestry water in bulk in such quantities as the Vestry by three days' notice in writing under the hand of their clerk shall from time to time require;

(B) The maximum daily quantity of water which the Company shall be compellable to supply to the Vestry shall unless otherwise agreed between the Company and the Vestry be one million gallons;

(C) The water supplied by the Company to the Vestry shall unless otherwise agreed between the Vestry and the Company be delivered daily into the pipes or works of the Vestry at such period or periods within each day of twenty-four hours and either at one period or at two or more periods as the Company may think fit;

(D) All mains and pipes necessary for affording such supply shall so far as the same shall be laid down within the Company's limits for the supply of water be laid down and for ever after maintained in good working order by and at the expense of the Company and so far as the same shall be laid down within the parish of Richmond shall be laid down and for ever after maintained in good working order by and at the expense of the Vestry;

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(E) The Vestry shall not except by agreement with the Company take use remove or interfere with any mains or pipes heretofore laid down by the Company within the parish of Richmond;

(F) The Company shall construct and for ever maintain in good working order a meter proper and sufficient for measuring the quantity of water supplied and such meter shall at all reasonable times be open to the inspection of the officers and servants of the Vestry;

(G) The connection between the mains and pipes of the Company and the mains and pipes of the Vestry shall be formed and for ever after maintained by and at the expense of the Company at such point as may be agreed on between the Company and the Vestry or as in default of agreement shall be settled in the manner hereinafter provided for the settlement of differences between the Vestry and the Company;

(H) The Vestry shall pay to the Company such sum not exceeding one shilling for every one thousand gallons of water supplied by the Company to the Vestry as may from time to time be agreed upon between the Company and the Vestry;

(I) Any differences which may at any time arise between the Company and the Vestry under this section shall on the application of the Vestry or the Company be referred to and determined by an arbitrator to be agreed upon or failing agreement to an engineer to be appointed by the President for the time being of the Institution of Civil Engineers Provided always that except as in this section mentioned nothing in this Act contained shall authorise the Company to afford a supply of water or enter into or carry into effect any contract or arrangement with any local authority highway board surveyor of highways railway company (except the London and South Western Railway Company for the purposes of that company) or any other companies bodies or persons with respect to the supply of water in bulk or otherwise within the parish of Richmond.

Domestic supply not to be interfered with.

21. Notwithstanding anything in this Act contained the Company shall not supply water in bulk or otherwise to any corporation body or person beyond the Company's limits of supply nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the Company's limits for the supply of water as defined by the recited Acts and this Act.

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One communication pipe for every building.

22. The Company shall not be bound to supply more than one dwelling-house or other building by means of any one communication pipe.

Company and Lambeth Company may agree as to supply of water in particular district.

23. With respect to any parish other that the parish of Lambeth district or place in which the Company and the Lambeth Company respectively supply or are authorised to supply water the Company and the Lambeth Company may at any time after the passing of this Act and from time to time enter into any contracts or agreements and may also from time to time vary alter or rescind any such contracts or agreements and enter into other contracts or agreements for the purpose of determining which parts of such parishes districts or places aforesaid shall be thenceforward supplied by the Company and by the Lambeth Company respectively and such agreements may include provisions with respect to any acts deeds matters or things incidental to such supply Provided always that no such contract or agreement shall in any manner interfere with or affect the duties and the responsibilities of either Company towards consumers of water or the public or the rights and interests of such consumers of water or the public as against either Company.

Provision to take effect in event of a purchase of the Company's undertaking.

24. In the event of a purchase of the undertaking of the Company and the completion of such purchase within seven years after the passing of this Act nothing in this Act contained shall extend or be deemed or construed to extend to authorise the Company to bring into account or to make any claim in respect of any advantages conferred on them by the creation of a statutory title or otherwise by the passing of this Act.

Expenses of Act.

25. 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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