CHAPTER clxiv.

An Act to authorise the Southwark and Vauxhall Water Company to acquire Lands construct additional Works and raise additional Capital and for other purposes. A.D. 1894.

[17th August 1894.]

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 cap. lxix. 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 take water from the River Thames and to supply with water and accordingly are supplying with water parts of the counties of London 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 the Southwark and Vauxhall Water Act 1872 the Southwark and Vauxhall Water Act 1884 the Southwark and Vauxhall Water Act 1886 and the Southwark and Vauxhall Water Act 1891 which last-mentioned Acts together with the Act of 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 one million 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 eighty thousand nine hundred and eighty-two pounds balance of authorised loan capital

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remaining to be called up the whole of which is required for works already in progress and about to be undertaken:

And whereas the Company are desirous of carrying out with the least possible delay works in connexion with storage subsidence and filtration as suggested by the report of the Royal Commission appointed in the year 1892 to inquire into the water supply of the metropolis and works and other things incidental thereto and it is expedient that further powers with respect to purchase of land and the construction and improvement of works be conferred on the Company and that the Company be empowered to raise further capital:

And whereas the Company have created and issued debenture stock of different classes and bearing different rates of interest and it is expedient that they be empowered to consolidate such debenture stocks or any of them:

And whereas it is also expedient 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 desirable that the limits of the Company for the supply of water should extend to and include a small portion of the parish of Lewisham in the county of London consisting of the fields numbered 260A 260 258 and 336 in the parish of Lewisham on the 25-inch Ordnance map of the county of Kent and the Company of Proprietors of Lambeth Waterworks are willing that the area within the proposed limits although also within the limits for the supply of water of the Company of Proprietors of Lambeth Waterworks should be so extended:

And whereas plans and sections describing the lines situation and levels of the intended works and the lands which may be taken for the purposes thereof and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the respective clerks of the peace for the counties of London and Middlesex and are in this Act respectively referred to as the deposited plans sections and books of reference:

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 1894.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

Parts II. (additional capital) and III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Acts;

The Waterworks Clauses Acts 1847 and 1863 except that section 44 of the Waterworks Clauses Act 1847 as incorporated in this Act shall be read and have effect as if the words "with "the consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted therefrom.

Interpretation.

3. 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 simple contract debt and not a debt or demand created by statute.

Extension of limits of supply.

4. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include (in addition to the districts included within the Company's existing limits of supply as defined by the recited Acts or any of them) the small portion of the parish of Lewisham in the county of London consisting of the fields numbered 260A 260 258 and 336 in the said parish of Lewisham on the 25-inch Ordnance map of the county of Kent which fields are herein-after called "the added area" and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations they now have and may exercise or are subject to within their limits for the supply of water as defined by the recited Acts or any of them and the recited Acts shall extend and apply to the added area and the supply of water therein.

Power to make waterworks and to take lands &c.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and situation and according to the levels shown on the deposited plans and sections the reservoirs lines of pipes and other works herein-after described with all proper wells

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filtering beds dams sluices cuts channels pipes tanks engines buildings machinery and other works and conveniences connected therewith for collecting filtering storing and distributing water and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

The waterworks herein-after referred to and authorised by this Act are—

A service reservoir situate partly in the parish of Saint Giles Camberwell in the county of London on lands numbered 391 in the said parish of Saint Giles on the 25-inch Ordnance map of the county of Surrey and partly in the parish of Lewisham in the said county of London on lands numbered 336 on the 25-inch Ordnance map of the county of Kent;

A double line of pipes (Line of Pipes No. 1) commencing in the parish of Sunbury at the south-eastern corner of Park Road at its point of junction with Lower Sunbury Road and terminating in the parish of Hampton at a point opposite the western boundary of the house known as Thames Valley Cottage all in the county of Middlesex;

A double line of pipes (Line of Pipes No. 2) wholly in the parish of Saint Giles Camberwell in the county of London commencing at the point of junction of Marmora Road with Homestall Road and terminating in the said Homestall Road at the north-eastern end thereof opposite the house known as Wood End;

A storage reservoir partly in the parish of Hampton and partly in the parish of Sunbury all in the county of Middlesex having a superficial area of 1,553,800 square feet or thereabouts and situate in fields numbered 268 269 and 270 in the parish of Sunbury on the 25-inch Ordnance map of the county of Middlesex and fields numbered 186 187 and 262 in the parish of Hampton on the said Ordnance map;

A subsiding reservoir with filter beds and engine house wholly in the parish of Hampton in the county of Middlesex having a superficial area of 1,399,520 square feet or thereabouts and situate in fields numbered 266 267 269 and 270 in the parish of Hampton on the 25-inch Ordnance map of the county of Middlesex:

Together with all proper approaches communications works and conveniences ancillary or subsidiary thereto or connected therewith.

Limits of deviation.

6. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate

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laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs five feet downwards and in the case of all other works to any extent not exceeding ten feet upwards or downwards but not so as to alter the surface level of any road or to raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections such last-mentioned powers of deviation so far as the same may be exercised to an extent beyond five feet upwards or downwards to be exercised only with the consent of the Board of Trade after notice to all owners lessees and occupiers of property through which any works by this Act authorised and so to be deviated shall pass the Company making full compensation to be ascertained in manner provided by the Lands Clauses Consolidation Act 1845 to all persons injuriously affected by any such deviation but if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any embankment they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankments reservoirs and works as shown on the deposited sections with reference to the datum line to any extent not exceeding twenty feet Provided always that the Company shall not construct any embankment or wall of the reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Power to stop up footpath.

7. The Company may purchase and acquire and may thereupon extinguish discontinue and stop up the private footpath in the parish of Hampton in the county of Middlesex leading from the Lower Sunbury Road to the River Thames and shown on the deposited plans as intended to be stopped up.

Period for compulsory purchase of lands.

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

Period for completion of works.

9. If the works authorised by this Act be 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 except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and

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pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their limits of supply as extended by this Act:

Provided always that the above-mentioned storage and subsiding reservoirs by this Act authorised shall be commenced as soon as may be practicable after the passing of this Act and shall be prosecuted and completed with all due diligence.

Restriction on taking houses of labouring class.

10. The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board twenty or more or ten or more houses (as the case may be) which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to take easements &c. by agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Company may sell lands not required for

12. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands and subject to any conditions imposed by any Act of

Parliament from time to time sell and dispose of any lands acquired by them under the powers of the recited Acts or this Act either before or after the passing of this Act which shall not be required for the purposes of their undertaking A resolution of a general meeting of the Company duly convened that any land is not so required shall be sufficient evidence thereof. A.D. 1894. their undertaking.

13. So soon as the Company shall be enabled to abandon the use of their works at Battersea in the county of London and shall sell and dispose of the lands and works there situated and owned by them the money received by the sale of those works or any part thereof shall after payment of all incidental expenses be applied by the Company to the purposes of this Act and for the general purposes of their undertaking being in all cases purposes to which capital is properly applicable Provided— As to sale of lands and works at Battersea.

(1) In the case of any sale of land under the provisions of this section completed before the debenture stock B by this Act authorised shall have been issued the net proceeds of such sale shall be considered pro tanto as portion of the debenture stock B so authorised to be created and shall be accounted for accordingly :

(2) In the event of the net proceeds of any sale of land under the provisions of this section being greater in amount than the amount of the debenture stock B by this Act authorised or greater in amount than the portion of such debenture stock B remaining unissued at the date of the completion of the sale of any such land the excess shall be applied by the Company in and towards the purchase and cancellation of an equivalent amount of debenture stock A :

(3) In the event of any sale of land under the provisions of this section not being completed until the whole of the debenture stock B by this Act authorised shall have been created and issued the net proceeds of such sale shall be applied by the Company in and towards the purchase and cancellation of an equivalent amount of debenture stock A or debenture stock B or of the share capital of the Company or otherwise as Parliament may direct :

(4) If and whenever any part of the proceeds of any sale of land as aforesaid shall be applied as herein-before provided to the purchase or cancellation of any debenture stock A or debenture stock B the debenture stock and premiums in respect of which under the provisions of this Act payments are required to be made to the sinking fund shall be reduced by an equivalent amount.

14. The Company may for the purposes of this Act and for the general purposes of their undertaking subject to the provisions of Part III. of the Companies Clauses Act 1863 and of this Act raise Power to raise additional capital.

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any additional capital not exceeding in the whole seven hundred and fifty thousand pounds by the creation and issue of debenture stock to be called debenture stock B and may attach to such stock interest at such uniform rate as in the opinion of the Governor for the time being of the Bank of England or of some person to be nominated by him shall be best calculated to secure the issue of such stock at par Provided that fourteen days before applying for such opinion as above mentioned notice in writing of any application for that purpose shall be given to the clerk of the London County Council and the town clerk of the city of London.

Debenture stock B to be redeemable.

15. All debenture stock B shall be issued subject to the condition (to be expressed on the certificate of such stock) that the stock may be redeemed at par by the Company at any time after the expiration of twenty-five years from the date of issue the Company giving six months previous notice to the registered holder of such stock of the intention to redeem.

New debenture stock to be offered by auction or tender.

16. Notwithstanding anything in any Acts relating to the Company contained the Company shall when any debenture stock B is to be issued offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine:

Provided that at any such sale by auction no single lot shall comprise more than one hundred pounds nominal value of such stock and that the Company may at any sale by auction or by tender fix a reserved price to be put upon such stock and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

17. It shall be one of the conditions of any sale of stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c.

18. The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of the city of London and to the clerk of the London County Council and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention

shall be duly advertised four times during such period in two or more London daily newspapers.

Stock not sold to be offered to shareholders.

19. When any debenture stock B has been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock in the Company in manner provided by the Companies Clauses Act 1863 with respect to new shares or stock and the provisions of sections 17 to 21 of that Act shall apply accordingly as if the debenture stock were new stock within the meaning of those sections Provided always that any stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock.

Application of premiums arising on issue of stock.

20. Any sum of money which shall arise from the issue of any stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending and improving the works of the Company or in cancelling debenture stock or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to interest.

Limit to amount of stock to be created.

21. It shall not be lawful for the Company to create and issue any greater nominal amount of debenture stock B under the powers of this Act than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of seven hundred and fifty thousand pounds Provided always that in the event of such debenture stock or any part thereof being issued at less than par value and resulting in a deficiency in the nominal amount of the additional capital hereby authorised to be raised the Company may issue such further amount of debenture stock B as will make good the deficiency so resulting.

Debenture stock under this Act and subsequent Acts to rank pari passu.

22. Notwithstanding anything in the Companies Clauses Act 1863 contained the interest of all debenture stock B and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act 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 authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment

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shall be indorsed on all mortgages and certificates of debenture stock B.

Debenture stock not to be converted into share capital.

23. The Company shall not have power to raise the money by this Act authorised to be raised by creating new shares of the Company instead of borrowing or to convert into share capital any debenture stock created under the powers of this Act.

Repeal of provisions of former Acts as to receiver.

24. Section 17 of the Southwark and Vauxhall Water Act 1891 (For appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Priority of mortgages over other debts.

26. All money to be raised by the Company on 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 Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest 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 purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Sinking fund.

27.—(1) From and after the expiration of three years from the issue from time to time of any debenture stock under the powers of this Act there shall be carried to a sinking fund in each year such per-centage on such amount of debenture stock and any premiums received thereon as shall be equal to the excess of the average per-centage of the dividend or interest paid for that year on all the capital of the Company whether stock or share capital or debenture stock with any premiums received thereon above the rate of interest at which the debenture stock under this Act was issued together

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with an additional one per centum per annum added thereto for management such sinking fund to be held and applied by the chamberlain of the city of London as trustee for the purpose of purchasing and holding shares or stock of the Company and of investing the dividends thereon with a view to ultimately extinguishing the capital of the Company or for such other purposes as Parliament may from time to time determine No shares or stock so purchased and held shall confer any right of voting at any meeting of the Company :

Provided that in the event of any debenture stock created under this Act being issued below par the per-centage to be carried to the sinking fund shall in respect of such debenture stock so issued below par be calculated on the amount of money raised by such debenture stock instead of on the nominal amount of such debenture stock.

(2) In the event of the undertaking being acquired by a public authority the above-mentioned allowance of one per centum for management shall not be deemed to have increased the capital value of the undertaking or be the subject of compensation or purchase.

(3) As from the thirtieth day of September one thousand eight hundred and ninety-four section 36 of the Act of 1886 and section 20 of the Act of 1891 shall be read and have effect as if the amounts to be paid to the sinking fund under those sections respectively at the expiration of the periods of three years from the issue from time to time of debenture stock under those Acts respectively were to be held and applied in manner provided by sub-section (1) of this section.

Application of moneys.

28. All moneys raised under this Act shall be applied by the Company only to the purposes of this Act and for the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Application of authorised funds.

29. 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.

Allocation of capital.

30. The moneys raised under the powers of this Act shall be applicable in not exceeding the under-mentioned respective amounts to the under-mentioned purposes but only so far as such purposes may be of a nature or character to which capital is properly applicable (that is to say) :—

Four hundred and fifty thousand pounds for construction of additional reservoirs ;

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Ninety thousand pounds for construction of additional filter beds or works for filtration;

Forty thousand pounds for providing additional engine power;

Seventy thousand pounds for the extension of mains and services;

and the balance may be applied to any of the above purposes or to the general purposes of the undertaking to which capital is properly applicable.

Power to consolidate debenture stocks.

31. At any time within twelve months after the passing of this Act the Company may with the consent of three fourths in value of the holders of each separate class of their debenture stocks created and issued before the passing of this Act present in person or by proxy at a meeting or meetings convened by the directors of the Company with notice of the object resolve and determine that as from a day to be named in any such resolution the whole or certain classes to be named in the resolution of their debenture stocks created and issued before the passing of this Act shall be consolidated and thereupon as from the day so named all the debenture stocks in the Company's undertaking created and issued before the passing of this Act or as the case may be the debenture stocks mentioned in the resolution shall by the authority of this Act be consolidated into debenture stock under the name of debenture stock A of one class and bearing such uniform rate of interest as shall be specified in the resolution not exceeding four per centum per annum:

Provided that the expression herein-before in this section contained "created and issued before the passing of this Act" shall for the purposes of this Act be deemed to include the remaining part of the three hundred thousand pounds of debenture stock by the Act of 1891 authorised but not yet actually created and issued:

Provided always that such consolidation shall not take effect unless the Company shall have previous to the said date created and registered in the name of each holder of the debenture stock included in the consolidation such a nominal amount of debenture stock A as will yield an amount of interest thereon equal to the amount of interest yielded by the existing debenture stock in lieu of which the debenture stock A is so issued and they may create and issue debenture stock A accordingly:

Forthwith upon the consolidation taking effect the Company shall issue to every holder of debenture stock A free of charge for so doing a certificate for and representing such an amount of debenture stock A as such holder is entitled to under the foregoing provision:

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Provided always that until the issue of such new certificates the existing certificates of debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed:

Provided also that notwithstanding anything in this section contained no person or corporation shall become entitled under this section to any fractional part of a pound of debenture stock A but in every case in which any such person or corporation would have become entitled to a fractional part of a pound of such stock the Company may pay to such person or corporation a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amount of debenture stock A as they may find requisite for giving effect to the provisions of this section:

Provided also that the Company shall not issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed:

Debenture stock A shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances as at the time of the issue thereof affect the debenture stock in substitution for which the debenture stock A is issued and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Trustees &c. may accept consolidated debenture stock.

32. Trustees executors and administrators may accept any debenture stock A created and issued under the authority of this Act in substitution for any other debenture stock consolidated under the authority of this Act and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the debenture stock for which such debenture stock A was substituted.

Saving of London Water Acts.

33. Nothing in this Act contained shall exempt the Company from the provisions of the Metropolis Water Act 1852 the Metropolis Water Act 1871 or any other general Act relating to the supply of water to the metropolis or the suburbs thereof now in force or which may hereafter pass during this or any future session of Parliament.

For the protection of main roads in

34. The Company shall execute the works by this Act authorised so far as the same affect any main roads within the county of

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the county of Middlesex.

Middlesex as defined by the Highways and Locomotives (Amendment) Act 1878 subject to the following conditions namely :—

(A) The Company shall not commence nor execute any such works as aforesaid unless and until they shall have first delivered to the county surveyor plans drawings and specifications of the works intended to be executed nor until the same plans drawings and specifications shall have been examined and approved of by the said surveyor in writing under his hand Provided always that if the said surveyor shall fail to approve of the works for one month after the plans drawings and specifications thereof have been delivered to him then the Company shall not execute nor commence any such works as aforesaid unless and until plans drawings and specifications thereof shall have been examined and approved of by an engineer to be appointed by the Board of Trade on the application of the Company ;

(B) The Company shall execute all such works as aforesaid at their sole expense and under the superintendence and to the reasonable satisfaction of the said surveyor whose reasonable charges incident to the approval of the said plans drawings and specifications and to the superintendence of the works shall be paid by the Company and the Company shall at the like expense subsequently maintain the same and all necessary works connected therewith in good substantial condition to the reasonable satisfaction of the said surveyor.

For protection of the Kent Company.

35. Nothing in this Act shall be construed to annul alter or affect the provisions of section 16 of the Company's Act of 1884 for the protection of the Company of Proprietors of the Kent Waterworks (herein-after called "the Kent Company") nor to authorise the Company to construct any works or wells for obtaining water from or under any lands within the "added area" nor to affect diminish or otherwise prejudice the existing rights of the Kent Company over or within the "added area."

As to construction of works near pipes or works of the Sunbury Gas Consumers Company (Limited).

36. Before executing any works by this Act authorised over under or within six feet of any of the pipes or works of the Sunbury Gas Consumers Company (Limited) (herein-after called "the Gas Company") the Company shall give to the Gas Company three days notice in writing of their intention so to do and the works to which the notice applies shall be constructed to the reasonable satisfaction of the engineer of the Gas Company and the Company shall take such precautions and do such works for preventing as far as possible any injury or interruption to the works and gas supply of the Gas

Company as their engineer shall require and shall make good all damage to be occasioned by the construction of such works otherwise than in accordance with any requirement or with the concurrence and consent of the engineer of the Gas Company to any pipes or works of that company.

Saving rights of the Conservators of the River Thames.

37. Nothing in this Act shall repeal alter modify or affect any of the rights authorities and privileges of the Conservators of the River Thames now existing or to be conferred upon or vested in them by any Act passed during the present session of Parliament.

For protection of Grand Junction and West Middlesex Waterworks Companies.

38. If in the laying of the Line of Pipes No. 1 authorised by this Act it be found necessary to lay any such pipes over under across or in near proximity to the mains or pipes of the Grand Junction Waterworks Company (herein-after called "the Grand Junction Company") or of the West Middlesex Waterworks Company (herein-after called "the West Middlesex Company") which may be already laid or which may be laid before the time when the laying of the pipes authorised by this Act is commenced the Company shall give seven days previous notice to the Grand Junction Company or the West Middlesex Company as the case may be of the intention of the Company to lay such line of pipes and such line of pipes where they cross over or under or are in near proximity to the mains or pipes of the Grand Junction Company or the West Middlesex Company shall only be laid under the superintendence and to the reasonable satisfaction of the respective engineers of the Grand Junction Company or the West Middlesex Company so as to ensure as little hindrance or obstruction or difficulty of access to the mains pipes and other appliances of the Grand Junction Company or the West Middlesex Company as possible.

Nothing in this Act shall authorise the Company to take up divert remove or in any way interfere with the mains pipes and other appliances of the Grand Junction Company or the West Middlesex Company without their consent in writing first obtained for the purpose and then only under the superintendence and to the reasonable satisfaction of the respective engineers of the Grand Junction Company or the West Middlesex Company.

The Company shall make good all damage which may be done by them to the mains pipes and other appliances of the Grand Junction Company or the West Middlesex Company in the carrying out or by reason of the works or any of them authorised by this Act and the Company shall make full compensation for any loss or damage which the Grand Junction Company or the West Middlesex

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Company may sustain in the carrying out or by reason of the works authorised by this Act and which the Company may not be able to make good and shall also pay all the expenses incurred by the Grand Junction Company or the West Middlesex Company under this section for superintendence or otherwise.

Any difference which may arise between the Company and the Grand Junction Company or the West Middlesex Company as to the laying down of pipes or constructing works or interference with the mains pipes or other appliances of the Grand Junction Company or the West Middlesex Company shall on the application of the Company or the Grand Junction Company or the West Middlesex Company be referred to and determined by an arbitrator to be agreed upon or failing agreement an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

Saving rights of Grand Junction Company as to footpath.

39. The Company shall not purchase and acquire or extinguish discontinue or stop up the private footpath in the parish of Hampton in the county of Middlesex leading from the Lower Sunbury Road to the River Thames and shown on the deposited plans as intended to be stopped up until they have provided a substituted footway for the use and enjoyment at all times of the Grand Junction Company and their assigns and their officers and servants Provided always that if any gate or gates shall be erected across the said private footpath such gate or gates and fencing on either side of the same between the Lower Sunbury Road and the river shall be upheld and maintained by and at the expense of the Grand Junction Company and the Company and those companies shall have keys of such gate or gates so that the full use and enjoyment of the said private footpath by either company may not be in any manner unduly obstructed or impeded.

Expenses of Act.

40. 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.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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