



CHAPTER xviii.

An Act to authorise the Sutton District Water Company A.D. 1903.
to construct additional waterworks acquire lands and
raise further moneys and for other purposes.

[30th June 1903.]

WHEREAS by the Sutton District Waterworks Act 1871 (hereinafter called “the Act of 1871”) the Sutton District Water Company (hereinafter called “the Company”) were incorporated with an original share capital of twenty thousand pounds and power to raise forty thousand pounds additional share capital and to borrow fifteen thousand pounds for the purpose of supplying with water certain places in the county of Surrey :

And whereas by the Sutton District Waterworks Act 1887 (hereinafter called “the Act of 1887”) the Company were inter alia authorised to raise sixty thousand pounds additional share capital and to borrow fifteen thousand pounds for the purposes of their undertaking :

And whereas the Company have raised and expended the whole of their authorised capital and have borrowed fifteen thousand pounds :

And whereas the population and the demand for water within the limits of supply of the Company have greatly increased since the passing of the Act of 1887 and are increasing and in order the better to meet such demand and the more effectually to supply the district with water it is expedient that the Company should be authorised to make and maintain the additional waterworks in this Act described and for the purposes of the said works and for the general purposes of their undertaking that they should be authorised to raise further moneys :

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and also a book of

[Ch. xviii.] *Sutton District Waterworks Act, 1903.* [3 EDW. 7.]

A.D. 1903. — reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Surrey and are hereinafter referred to as the deposited plans sections and book 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 King'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 Sutton District Waterworks Act 1903.

Incorporation of general Acts.

2. The following Acts and parts of Acts (namely) :—

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the reservoir by this Act authorised) ;

The Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the former Act “ with the consent “ in writing of the owner or reputed owner of any such “ house or of the agent of such owner ”) ;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act :

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

3. In this Act the several terms and expressions 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 unless there be something in the subject or context repugnant to such construction :

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act the expression “the railway” “the work” and “the centre of the railway” respectively mean the reservoir and works by this Act authorised :

The expressions “the undertaking” or “the waterworks” mean respectively the waterworks and the works connected therewith and the undertaking by the Acts of 1871 and 1887 and this Act authorised.

4. Subject to the provisions of this Act the Company may in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in the county of Surrey all or any of the following works shown on the deposited plans (namely) :—

Work No. 1 A well and pumping station with pumping engines or engine boiler houses and other works and conveniences connected therewith to be situate in the parish of Woodmansterne in the angle of the enclosure numbered 142 on the Ordnance map (to the scale of $\frac{1}{2500}$ second edition 1895) of the said parish formed by the Rectory Road and the Chipstead Bottom Road near Chipstead Station on the Chipstead Valley Branch of the South Eastern and Chatham Railway :

Work No. 2 A conduit or line or lines of pipes commencing in the said parish of Woodmansterne at the pumping station hereinbefore described and passing along Rectory Road

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and through the village of Woodmansterne and terminating in the parish of Banstead at the service reservoir next hereinafter described :

Work No. 3 A service reservoir to be situate in the said parish of Banstead in the north-eastern angle of the enclosure numbered 132 on the Ordnance map (to the scale of $\frac{1}{2500}$ second edition 1895) of the said parish abutting on the road leading from Woodmansterne village to Banstead village.

Power to make subsidiary works.

5. The Company in addition to the foregoing works may upon any lands acquired or to be acquired by them for the purposes of this Act make and maintain all such cuts channels catchwaters aqueducts pipes standpipes culverts tunnels drains sluices bywashes weirs gauges sumps water towers tanks banks walls approaches engines telegraphs and telephones machinery works and appliances as may be necessary or convenient in connection with the before-mentioned works or any or either of them :

Provided that any telegraphs and telephones made and maintained under the provisions of this Act shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1899.

Additional telegraphic facilities.

6. The Company may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities postal or otherwise in any rural district in connection with the works authorised by this Act and any expense incurred by the Company under such undertaking may be defrayed out of the funds or revenue of the Company.

Company to soften water.

7. From and after the first day of August one thousand nine hundred and six all water delivered by the Company from their works to their consumers within the limits of supply as existing at the date of the passing of this Act shall be softened to a degree of hardness not exceeding nine degrees and according to the process known as Clark's process or such other process as shall be at least as applicable and efficacious and the Company may enter into such arrangements and generally do all such things as may be expedient for such purpose Provided that if the Company make default in complying with the provisions of this section it shall be lawful for the High Court of Justice upon the application of any local authority within the area of supply to enforce the same by mandatory order or otherwise as the circumstances of the case shall require.

8. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and book of reference as they require for the purposes of this Act and may from time to time alter improve enlarge extend renew or discontinue all or any of the said works and may by way of supplement to the water supply to be obtained by means of the works authorised by this Act divert collect impound take appropriate and use for the purposes of the Company all waters which can or may be collected or taken by means of the said works.

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Power to
take lands
and waters.

9. The works by this Act authorised shall subject to the provisions of this Act for all purposes whatsoever form part of and be comprised in the undertaking of the Company.

New works
to be part of
undertaking
of Company.

10. In the construction of the works authorised by this Act the Company may deviate 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 or fences 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 reservoir Work No. 3 five feet upwards and ten feet downwards and in the case of all other works not exceeding ten feet upwards and to any extent downwards Provided that the Company shall not construct any embankment or wall of any such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition and provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Limits of
deviation.

11. For the purpose of executing any necessary work of repair or of cleansing or of examining any conduit or line of pipes by this Act authorised the Company may cause the water in any such conduit or line of pipes to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Company
may dis-
charge water
from con-
duits &c.
into streams.

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Period for compulsory purchase of lands.

Period for completion of works.

12. 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 thereof.

13. If the works authorised by this Act be not completed within six 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 otherwise 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 enlarging altering or renewing their engines machinery mains and pipes cuts adits tunnels and other incidental works from time to time whenever it shall be necessary for the purpose of improving increasing or distributing the supply of water within their existing limits of supply.

Power to take easements &c. by agreement.

14. 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 any persons other than the grantors 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.

Power to take additional lands by agreement.

15.—(1) The Company may for any of the purposes of their undertaking purchase by agreement and hold any additional lands within the limits for supply of water as defined by the Act of 1871 not exceeding ten acres but the Company shall not create or permit the creation or continuance of any nuisance on any such lands nor shall any buildings be thereon erected except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incident to or connected with their waterworks.

(2) The proviso to section 4 and the provisions of section 5 of the Act of 1887 shall extend and apply to and in respect of any lands acquired by the Company under this section.

As to supply in bulk.

16. The Company shall not supply water in bulk for any purpose for use outside the administrative county of Surrey.

For protection of London County Council.

17.—(1) If and whenever the pumping operations of the Company shall cause any diminution of the supply of the water in or obtainable from the well at the Cane Hill Asylum belonging to

the London County Council (hereinafter called “the council”) the Company shall supply to the council such an amount of water not exceeding one hundred thousand gallons in any one day as the council may require for use at the said asylum and the estate held therewith and the company shall only charge for any supply so given at such a price per thousand gallons as shall not exceed the cost to the council per thousand gallons of raising water from the said well.

(2) Any difference which may from time to time arise between the Company and the council under any of the provisions of this section shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers.

18. The Company shall not under the powers of this Act purchase or acquire 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 except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression “house” means any house or part of a house occupied as a separate dwelling and the expression “labouring class” means mechanics artizans 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.

19. On and after the first day of January one thousand nine hundred and four the Company shall unless prevented by frost drought or other unavoidable accident or during necessary repairs supply the local authority for any district within the limits of the Company’s Acts with water by meter in bulk for the purposes

Supply for public purposes.

A.D. 1903. defined by section 37 of the Waterworks Clauses Act 1847 at the rate of sevenpence per one thousand gallons and as from that date the existing agreement with the Sutton Urban District Council for the supply of water for public purposes shall be cancelled.

Supply by meter for other than domestic purposes.

20. Notwithstanding anything contained in the Act of 1871 the Company shall from and after the first day of January one thousand nine hundred and four unless prevented by frost unusual drought or other unavoidable accident or during necessary repairs at the request of the owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the Company is or shall be laid and who requires a supply of water by measure for other than domestic purposes (exclusive of watering gardens not used for trade purposes) by means of communication pipes and other necessary and proper apparatus to be provided laid and maintained at the cost of the person requiring such supply afford a supply of water by meter and may charge for such supply not exceeding the rate of tenpence per one thousand gallons Provided that this section shall not apply to premises situate four hundred feet above Ordnance datum.

Application of funds.

21. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise under the Acts of 1871 and 1887 and not thereby made applicable for any particular purpose or if so made applicable not required for that purpose.

Power to raise additional capital.

22. The Company may from time to time raise in addition to the capital which they are already authorised to raise any capital not exceeding in the whole for the purposes of this Act and for the general purposes of their undertaking one hundred and fifty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof :

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including the amount of any premium after deducting therefrom the expenses of and

incident to such issue which may be obtained on the sale thereof the said sum of one hundred and fifty thousand pounds : A.D. 1903.

Provided further that out of each portion of the said additional capital raised from time to time the Company shall set apart one half thereof for the purpose of the section of this Act the marginal note whereof is "Company to soften water" until the sum so set apart shall amount to such sum as may be requisite for the purposes of such section.

23. Subject to the provisions of this Act and any resolution of the Company creating any new capital in shares or stock under this Act any capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

24. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not 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 :

New shares or stock to be offered by auction or tender.

Provided that at any such sale no single lot shall comprise more than fifty pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof 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 bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

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

25. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium 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 of shares
or stock.

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every district council of any district wholly or partly included in the limits of the Company for the supply of water 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 with a declaration of the minimum price at which such shares or stock would be sold once in each of two successive weeks in one or more local newspapers published and circulating within such limits.

Shares or
stock not sold
by auction or
by tender to
be offered to
shareholders.

27. When any shares or stock created under the powers of this Act may have been offered for sale by auction or by 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 by tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or 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 shares or stock created under the powers of this Act and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of shares or stock at the last mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Power to
borrow.

28. Subject to the provisions of this Act the Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding one-fourth part of the amount of such capital as is for the time being created and issued but no part of the said sum shall be borrowed until the whole of the shares or stock in respect of which the said borrowing powers are to be exercised together with the premium (if any) realised upon the sale thereof shall have been fully 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 such shares and stock have been issued and fully paid up 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 For the purposes of this section there shall be added to the additional capital created and issued under the authority of this Act the amount of the premiums obtained upon the sale of the shares or stock representing such additional capital.

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29. The provisions of all former Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof 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 four thousand pounds in the whole.

Appointment of receiver.

30. The following sections of the Act of 1887 (that is to say) :—

Certain sections of Act of 1887 incorporated.

- Section 10 (Limit of dividend on new shares and stock);
- Section 11 (Dividends on different classes of ordinary capital to be paid proportionally);
- Section 12 (Dividend on new shares or stock);
- Section 13 (Restriction as to votes in respect of debenture stock and preferential shares or stock);
- Section 14 (Receipt clause in case of persons not sui juris);
- Section 24 (Debenture stock);

shall extend and apply mutatis mutandis to and in relation to the additional capital by this Act authorised to be raised and the money by this Act authorised to be borrowed by mortgage and debenture stock respectively.

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

Existing mortgages to have priority.

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Application
of moneys.

32. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the undertaking being in all cases purposes to which capital is properly applicable.

Costs of Act.

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

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