



CHAPTER xciii.

An Act to confirm a Provisional Order made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Sutton District Waterworks. A.D. 1910.

[3rd August 1910.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Board of Trade and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Water Provisional Order Act 1910. Short title.

2. The Order as amended and as set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Order in
schedule.

A.D. 1910.

SCHEDULE.

SUTTON DISTRICT WATERWORKS.

Sutton. Order empowering the Sutton District Water Company to extend their Limits of Supply to sanction and confirm the Construction of existing Works to construct new Works and for other purposes.

Short and
collective
titles.

1. This Order may be cited as the Sutton District Waterworks Order 1910 and the Sutton District Waterworks Act 1871 (in this Order referred to as "the Act of 1871") and the Sutton District Waterworks Act 1887 (in this Order referred to as "the Act of 1887") and the Sutton District Waterworks Act 1903 (in this Order referred to as "the Act of 1903") and the Sutton District Waterworks Act 1906 (in this Order referred to as "the Act of 1906") and this Order may be cited together as the Sutton District Waterworks Acts and Order 1871 to 1910.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation
of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order:

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order 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.

For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

Interpreta-
tion.

4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

A.D. 1910.

5. The Sutton District Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Sutton.
Undertakers.

Limits of Supply.

6. The Undertakers may supply water and shall have and may exercise subject to the provisions of this Order within the parish of Kingswood in the rural district of Reigate in the county of Surrey (herein-after referred to as "the new limits") all and the like powers privileges and authorities for or in relation to lands and the supply of water including the levying of rents rates and charges and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1871 and the expression "the limits of supply" in the Act of 1871 shall from and after the commencement of this Order be deemed to include the new limits and the expression "the limits of supply" in this Order means the district within which the Undertakers are by virtue of the Act of 1871 and this Order authorised to supply water.

Extension of
limits of
supply.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the new limits the local authority of such district may provide a supply in the whole or any part of their district within those limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

Where
Undertakers
not furnish-
ing sufficient
supply local
authority or
company
may supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Acquisition of Lands.

8. In addition to any other lands which the Undertakers are under the Act of 1871 the Act of 1887 and the Act of 1903 authorised to take or purchase the Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking and they may by agreement purchase take on lease acquire and use

Further
powers to
acquire lands
by agree-
ment.

A.D. 1910. and hold for the purposes of this Order and for the general purposes of the water undertaking authorised by the said Acts and this Order any lands and any easements rights or privileges (not being an easement right or privilege of water in which persons other than the grantors have an interest) in over or under any lands which they may require for the purposes of the said undertaking Provided that they shall not create or permit a nuisance on any lands so held by them and that they shall not at any time hold for such purposes more than three acres of land in addition to the lands which they are by the said Acts authorised to hold for those purposes Provided also that no building shall be erected on such lands except such as are required for or are connected with the purposes of the undertaking.

Persons
under dis-
ability may
grant ease-
ments &c. to
Undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Works.

Maintenance
and construc-
tion of works.

10. The Undertakers may in the roads and lands on or in which the same are situate hold maintain use alter extend enlarge and renew the following existing waterworks in the parish of Kingswood in the county of Surrey (that is to say):—

Work No. 1—A line of pipes commencing on the boundary between the parishes of Banstead and Kingswood at Garden Farm on the road between Burgh Heath and Kingswood Station on the Epsom Downs branch of the South Eastern and Chatham Railway and terminating in Waterhouse Lane at the boundary of the parishes of Kingswood and Chipstead:

Work No. 2—A line of pipes commencing on the boundary between the parishes of Banstead and Kingswood close to the sixth milestone from Sutton on the road between Sutton and Reigate and terminating at a point in the said road opposite Holly Lodge three hundred and nineteen yards or thereabouts measured along that road in a southerly direction from its junction with the road known as Hogden Bottom:

together with any branch or other mains service or other pipes filters meters valves fittings and other works apparatus and conveniences connected therewith or constructed laid down or used by

the Undertakers for the purposes of a supply of water by them within the new limits. A.D. 1910.

Sutton.

The Undertakers may in the roads and also upon the lands shown on the deposited plans if and when the same shall have been acquired by them and so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following new waterworks situate in the parish of Kingswood in the county of Surrey (that is to say):—

Work No. 3—A line of pipes commencing at the point hereinbefore described as the termination of Work No. 2 and terminating at the water-tower Work No. 4 herein-after described :

Work No. 4—A water-tower (not exceeding sixty feet in height) situate in the south-eastern corner of the enclosure numbered 197 on the $\frac{1}{25100}$ Ordnance Map (Second Edition 1896) of the parish of Kingswood :

together with all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bye-washes water-towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient for conveying and distributing water within the limits of supply from any of the before-mentioned works.

11. The Undertakers shall not construct any works for taking or intercepting water from any land acquired by them for the purposes of the water undertaking unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or by or in some other Provisional Order or Act of Parliament.

Limiting
powers to
abstract
water.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or ten feet downwards Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans and which for the time being belong to or are leased to or have been acquired by them under the provisions of this Order but subject to the provisions of any agreement under which such lands have been leased to or acquired by the Undertakers deviate beyond such limits laterally and vertically to such extent as they may think necessary Provided that the Undertakers shall not raise any aqueduct or line of pipes above the surface of the ground unless the same be so shown on the deposited sections and then only to the extent so shown.

Lateral and
vertical
deviation.

A.D. 1910.

*Sutton.*Limit of
time for con-
struction of
works.

13. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge renew deepen and improve their tanks wells pipes filters filter-beds machinery and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Works to
form part of
undertaking.

14. Subject to the provisions of this Order the existing works and the new works of the Undertakers described in the section of this Order of which the marginal note is "Maintenance and construction of works" and any pipes and other works purchased by the Undertakers under the section of this Order of which the marginal note is "Acquisition of pipes &c. of Kingswood Water Company Limited" shall for all purposes whatsoever form part of and be comprised in their undertaking and the construction of the said existing works and the expenditure of capital thereon is hereby sanctioned and confirmed.

Differences
with road
authority or
railway or
other com-
pany.

15. If any difference arises between the Undertakers and any road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

*Supply.*Limits of
pressure.

16. The water supplied by the Undertakers within the new limits shall be constantly laid on under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the water-tower (Work No. 4) authorised by this Order.

Contracts for
supplying
water in bulk.

17. The Undertakers may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any local authority company or person authorised to supply water under parliamentary authority within the area in which such supply is to be given or used and of the local authority of the district comprising that area nor for use outside the administrative county of Surrey nor if and so long as such supply would interfere

with the supply of water for domestic purposes within the limits of supply and nothing in this Order shall authorise the Undertakers to lay pipes in or to interfere with any street beyond the limits of supply.

A.D. 1910.

Sutton.

Miscellaneous.

18. And whereas certain water pipes and other works of the Kingswood Water Company Limited (hereinafter referred to as "the Kingswood Company") are situate within the parish of Kingswood and it is expedient that provision should be made for the purchase by the Undertakers of such portion or portions of the said pipes and other works as may be of value to the Undertakers for use for the supply by them under the provisions of this Order of water within the said parish. Be it enacted that the Undertakers shall if required by the Kingswood Company by notice in writing under the hand of their secretary within three months from the commencement of this Order purchase from the Kingswood Company such portion or portions of the said pipes and works within the said parish as may be of value to the Undertakers for the purposes aforesaid and were in existence on the twenty-seventh day of June one thousand nine hundred and ten. The portion or portions of such pipes and other works to be purchased by the Undertakers and the price to be paid by them therefor shall failing agreement between the Kingswood Company and the Undertakers be determined in accordance with the provisions of the Arbitration Act 1889 by an arbitrator to be appointed on the application of either party by the Board of Trade and the arbitrator in determining such price shall not make any allowance for goodwill but shall have regard only to the value to the Undertakers of the portion or portions of the pipes and other works so to be purchased by them.

Acquisition
of pipes &c.
of Kings-
wood Water
Company
Limited.

19. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1871 the Act of 1887 and the Act of 1903 or which may be under their control and which are not required for the purposes to which they are by the said Acts made specially applicable.

Power to
apply funds.

20. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

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