



CHAPTER xvii.

An Act to authorise the South Staffordshire Waterworks Company to construct new works and for other purposes. A.D. 1913.
[4th July 1913.]

WHEREAS the South Staffordshire Waterworks Company (in this Act referred to as "the Company") were incorporated by the South Staffordshire Waterworks Act 1853 and by that Act were empowered to construct works and to supply water within the limits thereby prescribed:

And whereas further powers in relation to their undertaking including the construction of waterworks and the raising of capital were conferred upon the Company by—

The South Staffordshire Waterworks Amendment Act 1857;
The South Staffordshire Waterworks Amendment Act 1864;
The South Staffordshire Waterworks Act 1866;
The South Staffordshire Waterworks Act 1875;
The South Staffordshire Waterworks Act 1878;
The South Staffordshire Waterworks Act 1893;
The South Staffordshire Waterworks Order 1901 confirmed
by the Water Orders Confirmation (No. 1) Act 1901; and
The South Staffordshire Waterworks Act 1909;

(which said Acts and Order are in conjunction with the South Staffordshire Waterworks Act 1853 in this Act referred to as "the South Staffordshire Waterworks Acts and Order 1853 to 1909"):

And whereas owing to the increasing demand for the supply of water the construction of further works is necessary to enable the Company to meet such demand and it is therefore expedient that the Company should be empowered to make and maintain

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A.D. 1913. the works and to acquire the lands hereinafter respectively described:

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Stafford and Worcester and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas by the Birmingham (Extension) Order 1909 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1909 the parish of Quinton in the rural district of Halesowen in the county of Worcester (which parish is within the limits of the Company for the supply of water) was as from the ninth day of November one thousand nine hundred and nine added to and became part of the city of Birmingham :

And whereas the lord mayor aldermen and citizens of the city of Birmingham (in this Act referred to as "the corporation") are the statutory water authority for the supply of and are supplying water within the whole of the said city with the exception of the parish of Quinton and it is expedient that the corporation should also undertake the supply of water to the said parish and that the agreement relating thereto between the Company and the corporation set forth in the schedule to this Act should be sanctioned and confirmed and that the rights powers and obligations of the Company within the said parish under the South Staffordshire Waterworks Acts and Order 1853 to 1909 should cease and determine :

And whereas the objects of this Act 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 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 South Staffordshire Waterworks Act 1913 and the South Staffordshire Waterworks Acts

and Order 1853 to 1909 and this Act may be cited together as the South Staffordshire Waterworks Acts and Order 1853 to 1913. A.D. 1913.

2. The following Acts and part of Act are hereby incorporated with this Act (namely):— Incorporation of general Acts.

The Waterworks Clauses Acts 1847 and 1863;

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 and in the application of those provisions to this Act the term “railway” shall mean the service reservoir by this Act authorised and the expression “centre of the railway” shall mean the centre of the said reservoir.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts in whole or in part incorporated herewith have the same respective meanings And— Interpretation.

The expression “the undertaking” means the undertaking of the Company as authorised by the South Staffordshire Waterworks Acts and Order 1853 to 1913;

The expression “the new waterworks” means the works described or referred to in the section of this Act the marginal note whereof is “Power to make new works”; and

The expression “the limits of supply” means the limits within which the Company are authorised to supply water under the South Staffordshire Waterworks Acts and Order 1853 to 1913.

4. Subject to the provisions of this Act the Company may in the counties of Stafford and Worcester and in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain the works hereinafter described (that is to say):— Power to make new works.

Work No. 5 A service reservoir to be situate in the parish of Oldbury in the county of Worcester in the enclosure numbered 229 on the $\frac{1}{2500}$ Ordnance map Staffordshire sheet LXXII 6 and Worcestershire sheet V 6 (second edition 1904):

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Work No. 6 A line or lines of pipes commencing in the parish of Rowley Regis in the county of Stafford by a connection with the existing line of pipes of the Company at the junction of Oldbury Road and White Heath Road and terminating in the said parish of Oldbury by a junction with the service reservoir (Work No. 5).

The Company in addition to the foregoing works may in under or upon the said lands make and maintain all such buildings works apparatus and appliances (including electrical) as may be necessary or convenient in connection with or subsidiary to the undertaking but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that any electrical apparatus and appliances made or maintained by the Company under the provisions of this section shall not be used for the transmission of telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed used or maintained in such manner as to cause interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Limits of deviation.

5. In the construction of the new waterworks 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 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 three feet upwards and to any extent downwards Provided as follows (that is to say):—

Except for the purpose of crossing over a stream dyke or watercourse 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.

Works to form part of undertaking.

6. Subject to the provisions of this Act the new waterworks shall for all purposes whatsoever form part of and be comprised in the undertaking.

Period for completion of works.

7. If the new waterworks are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of

the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require. A.D. 1913.

8. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the new waterworks. Power to acquire lands.

9. 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 compulsory purchase of lands.

10. All private rights of way over any lands which are under the powers of this Act authorised to be acquired compulsorily shall as from the date of their acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

11. In addition to any lands which the Company are by this Act authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed ten acres Provided that the Company shall not upon any such lands create or permit any nuisance and that the Company shall not erect any buildings on such lands except such as are required for or are connected with or incident to the purposes of the undertaking. Acquisition of lands by agreement.

12. 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 Persons under disability may grant easements &c.

A.D. 1913. or privilege of water in which 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.

As to
exercise of
powers of
section 12 of
Waterworks
Clauses Act
1847.

13. The Company may on in or under all or any of the lands for the time being held by them or any lands in respect of which they may have acquired any necessary easements in that behalf execute for the purposes of or in connection with the undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Company shall not under the powers of this section create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Power to
agree as to
drainage of
lands &c.

14. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works of the Company with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Company are empowered to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Limiting
powers of
Company to
abstract
water.

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

For pro-
tection of
county coun-
cil of Staf-
ford.

16. The provisions of section 23 (except subsections (1) and (13)) of the South Staffordshire Waterworks Act 1909 shall so far as the same are applicable extend and apply to and enure for the protection and benefit of the county council of Stafford with respect to the new waterworks in the same manner and to the same extent as if the said provisions were re-enacted in this Act in relation to such works.

17. For the protection of the Great Western Railway Company (in this section referred to as "the Great Western Company") the following provisions shall unless otherwise agreed apply :—

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For pro-
tection of
Great West-
ern Railway
Company.

- (1) Work No. 6 by this Act authorised where the same shall be carried under the bridge carrying the Great Western Company's Stourbridge Extension Railway over a road north-east of Rowley Regis and Blackheath Station shall be constructed as far as practicable in the centre of the said road and under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plan section and particulars and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing Provided that if the said principal engineer shall for a period of twenty-eight days after such plan section and particulars have been submitted to him neglect or refuse to approve or disapprove the same or to state his reasonable requirements with respect thereto he shall be deemed to have approved thereof:
- (2) Such portion of work and all matters incidental thereto shall be constructed and done so as to cause as little injury as may be to the railway works lands and property of the Great Western Company and so as to cause no interruption to the passage or conduct of traffic over the said railway :
- (3) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works and matters aforesaid the Company shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :
- (4) Any dispute or difference which may arise between the Great Western Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed

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by the President of the Institution of Civil Engineers on the application of the Great Western Company and the Company or either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto.

For protection of South Staffordshire Blue Brick Company Limited.

18. For the protection of the South Staffordshire Blue Brick Company Limited the following provision shall unless otherwise agreed between them and the Company have effect (that is to say):—

The Company shall so construct the line or lines of pipes (Work No. 6) by this Act authorised where the same will cross the tramway numbered on the deposited plans of Work No. 6 5A in the parishes of Oldbury and Cakemore as not to diminish in any way the existing headway in the tunnel now formed by the bridge carrying Pennecricket Lane over the said tramway.

Confirmation of agreement with corporation of Birmingham.

19.—(1) The agreement dated the fourth day of September one thousand nine hundred and twelve between the Company of the one part and the corporation of the other part as set forth in the schedule to this Act is hereby sanctioned and confirmed and made binding on the parties thereto.

(2) As from the date of the transfer to the corporation of the mains and other waterworks to be transferred to them under the said agreement such mains and other waterworks shall form part of the water undertaking of the corporation and the parish of Quinton in the said agreement mentioned shall be deemed to be for all purposes within the limits of the corporation for the supply of water and shall cease to form part of the limits of supply of the Company.

(3) All sums of money received by the Company under the said agreement may be applied to any purposes of the undertaking being in each case purposes to which capital is properly applicable.

General meetings.

20. Notwithstanding the provisions of section 12 of the South Staffordshire Waterworks Act 1853 the first general meeting of the Company after the passing of this Act shall be held in the month of February or March one thousand nine hundred and fourteen and subsequent general meetings of the Company shall be held annually in the month of February or

March or in such other month or months as shall be appointed A.D. 1913.
 for that purpose by order of a general meeting of the Company.

21. The directors of the Company may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed in any half-year one half of the amount of the maximum dividend on the ordinary stock or one half of the annual dividend assigned to the preference stock of the Company in respect of which such interim dividend is declared. Interim dividends.

22. The directors of the Company may close the register of transfers for a period not exceeding fourteen days previous to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of transfer books previous to declaring interim dividends.

23. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company duly authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or such officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last-known or usual place of abode or business or if the premises supplied be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises. Form and service of notices by Company.

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Several
sums in one
summons.

24. Where the payment of more than one sum by any person is due under this Act or any of the Acts relating to the Company any summons or warrant issued for the purposes of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of
penalties &c.

25. Save as otherwise by this Act expressly provided all offences against the South Staffordshire Waterworks Acts and Order 1853 to 1913 and all penalties forfeitures costs and expenses imposed or recoverable thereunder or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

26. Proceedings for the recovery of any demand made under the authority of the South Staffordshire Waterworks Acts and Order 1853 to 1913 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Application
of Arbitra-
tion Act
1889.

27. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Penalties
not cumula-
tive.

28. Penalties imposed under the South Staffordshire Waterworks Acts and Order 1853 to 1913 and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Power to
Company to
apply their
funds.

29. The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under and by virtue of the South Staffordshire Waterworks Acts and Order 1853 to 1909 or which may be in their possession or under their control and which are not required for the purposes to which they are by those Acts made specially applicable.

30. As from the passing of this Act the sections hereinafter mentioned of the South Staffordshire Waterworks Amendment Act 1864 shall be and the same are hereby repealed but without prejudice to anything previously lawfully done thereunder (that is to say):—

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Repeal of
certain sec-
tions of Act
of 1864.

Section 33 (Undisputed rates &c. may be recovered by distress):

Section 34 (Several names in one warrant):

Section 35 (Costs of distress).

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

Costs of Act.

A.D. 1913.

The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the fourth day of September one thousand nine hundred and twelve between the SOUTH STAFFORDSHIRE WATERWORKS COMPANY (hereinafter called "the Company") of the one part and the LORD MAYOR, ALDERMEN AND CITIZENS OF THE CITY OF BIRMINGHAM (hereinafter called "the corporation") of the other part.

WHEREAS the district formerly forming the parish of Quinton in the county of Worcester is within the limits within which the Company may supply water and by the Birmingham (Extension) Order 1909 (confirmed by the Act 9 Edward VII. cap. cxxii.) the boundaries of the said city were extended so as to include the said parish of Quinton for administrative purposes and it has been agreed between the parties hereto that it shall also be transferred into the water supply area of the corporation upon the terms hereinafter appearing:

Now it is hereby agreed and declared between the parties hereto as follows:—

1. The area which was immediately before the Birmingham (Extension) Order 1909 known as the parish of Quinton in the rural district of Halesowen in the county of Worcester and which area is coloured green on the city maps referred to in the said Order (hereinafter referred to as "the said area") shall as from the twenty-ninth day of September one thousand nine hundred and thirteen (hereinafter referred to as "the appointed day") be transferred from the statutory water area of the Company to that of the corporation both as regards existing and future supplies.

2. All mains and other waterworks of the Company in the said area shall as from the appointed day become the property of the corporation and the Company shall on or before the appointed day disconnect such mains from their water system.

3. In consideration of the premises the corporation shall on the appointed day pay to the Company the sum of two thousand one hundred pounds and shall also pay any stamp duty payable in respect of the said transfer.

4. This agreement is made (i) subject to the same being confirmed by Parliament and the Company shall in the next available session of Parliament apply for an Act for such purpose and such application shall be made at the sole cost of the Company except as to the cost

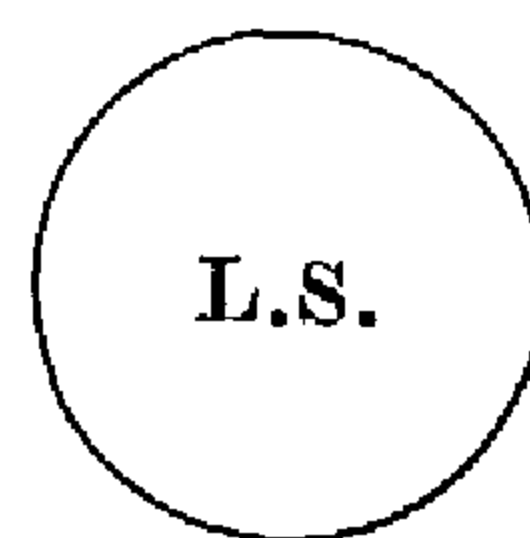
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of any voluntary support which the corporation may choose to give thereto and (ii) subject to such alterations as Parliament may think fit to make therein and in the event of either House of Parliament making any material alterations therein it shall be in the option of either of the parties hereto to withdraw from the same by notice in writing to that effect and thereupon this agreement shall become void.

In witness whereof the Company and the corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

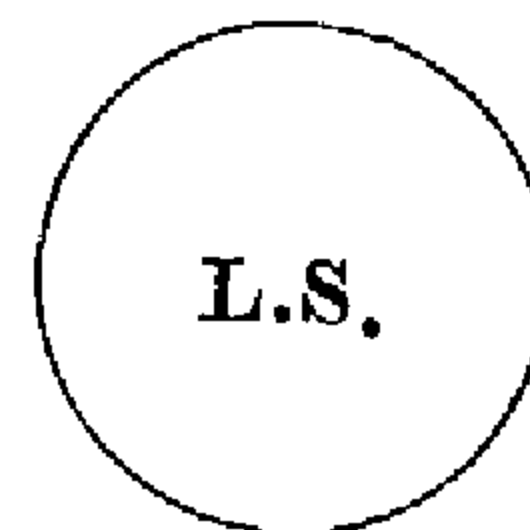
The common seal of the South Staffordshire Water-works Company was hereunto affixed by the authority of the board of directors of the said Company in the presence of us two of such directors—

FRANCIS H. LLOYD
WALTER W. WIGGIN } Directors.
G. J. SPARROW Secretary.



The common seal of the lord mayor aldermen and citizens of the city of Birmingham was hereunto affixed in the presence of—

E. V. HILEY Town Clerk.



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