



CHAPTER lxxiv.

An Act for extending the time for the compulsory purchase of lands and for the construction of the works authorised by the Cheltenham Corporation Water Act 1878 for extending the limits of water supply of the Corporation and for other purposes. A.D. 1881.
[27th June 1881.]

WHEREAS by the Cheltenham Corporation Water Act 1878 (in this Act called the Act of 1878) the mayor aldermen and burgesses of the borough of Cheltenham (in this Act called the Corporation) were authorised to purchase the undertaking of the Cheltenham Waterworks Company and were also authorised to construct certain waterworks and other works and to supply water for domestic and other purposes : 41 & 42 Vict.
c. cciii.

And whereas the undertaking of the company has been acquired by and is now vested in the Corporation :

And whereas it is expedient that the time limited by the Act of 1878 for the compulsory purchase of lands and for the completion of the works by that Act authorised should be extended :

And whereas it is expedient that the limits within which the Corporation are under or by virtue of the provisions of the Act of 1878 authorised to supply water should be extended :

And whereas it is expedient in certain respects to amend the provisions of the Act of 1878 relating to the borrowing powers of the Corporation and to make better provision for the investment of moneys paid into the sinking funds from time to time established for the discharge of moneys borrowed by the Corporation :

And whereas the Corporation require to borrow further moneys for the purposes of their water undertaking :

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

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the fourth day of October one thousand eight hundred and eighty after ten clear days

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notice by public advertisement of such meeting and of the purpose thereof in the *Cheltenham Examiner* a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said *Cheltenham Examiner* and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough at a further special meeting held in pursuance of a similar notice on the third day of January one thousand eight hundred and eighty-one being held not less than fourteen days after the deposit of the Bill in Parliament :

38 & 39 Vict.
c. 55.

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 authority of the same as follows :

Short title.

1. This Act may be cited as the *Cheltenham Corporation Water Act 1881.*

Incorporation
of general
Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profits to be received by the undertakers when the works are carried on for their benefit) shall (except where expressly varied by this Act or by the Act of 1878 and so far as such Acts are applicable to the purposes of this Act and not inconsistent therewith) be incorporated with and form part of this Act.

Extension of
time for
compulsory
purchase of
lands.

3. The time limited by the Act of 1878 for the compulsory purchase and taking of lands shall be prolonged and extended to the period of three years from the passing of this Act.

Extension
of time for
completion
of works.

4. The time limited by the Act of 1878 for the completion of the works thereby authorised shall be enlarged and extended for the period of five years from the passing of this Act and on the expiration of that time the powers by the Act of 1878 and this Act given to the Corporation for the construction of the said works or

in relation thereto shall cease to be exercised except as to so much thereof as may be then completed but nothing in this Act shall be taken to restrict the Corporation from executing works for the distribution of water or extending enlarging altering or removing any of their mains and pipes from time to time as occasion may require.

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5. The limits for the supply of water by the Corporation under the provisions of the Act of 1878 shall in addition to the limits in that behalf of the Act of 1878 extend to and include the parishes and townships following (that is to say) Ashchurch Walton Cardiff Tredington Stoke Orchard Deerhurst Deerhurst Walton Hardwick Elmstone Hardwick Uckington Boddington Staverton Evington The Leigh Norton Down Hatherley Badgeworth Shurdington and Up Hatherley all in the county of Gloucester and the Act of 1878 shall subject to the provisions of this Act be in force within the said extended limits as fully and in the same manner as within the existing limits and the Corporation may exercise all such powers and do all such acts and things within the said extended limits as they are authorised to exercise and do within the existing limits and any sanitary authority within the extended limits may within its district exercise and shall be subject to the powers and provisions relating to sanitary authorities contained in section 85 of the Act of 1878.

Extension of limits of water supply.

6. Whenever the Corporation in the exercise of the powers conferred by this Act shall require to lay down alter or replace any mains or pipes upon across or under any railway belonging to or worked by the Great Western Railway Company or upon any lands belonging to or used or occupied by that company such mains or pipes shall be laid to the reasonable satisfaction of the engineer of that company and according to plans previously approved by such engineer and the engineer of the Corporation or in the event of their not agreeing in such manner as shall be settled by a referee to be agreed upon by such engineer or in default of agreement to be appointed by the President of the Institution of Civil Engineers.

Works affecting Great Western Railway Company to be constructed to the satisfaction of their Engineer.

7. Before opening or breaking up for any of the purposes of this Act any road or street crossing any railway belonging to or worked by the Great Western Railway Company the Commissioners shall give not less than three clear days notice of their intention so to do under the hand of their clerk or the manager of their waterworks sent by post in a registered letter addressed to the resident engineer of the Great Western Railway Company except

Notice to Great Western Railway Company before breaking up roads, &c.

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Amendment
of sec. 30 of
41 & 42 Vict.
c. cciii.

8. The power of the Corporation under the Act of 1878 to borrow for the purpose of the construction of the waterworks and works connected therewith by that Act authorised shall not be construed or deemed to be limited to a power of borrowing only for works specifically authorised by the said Act but shall include and be deemed always to have included a power to borrow for extending mains and for the erection of boilers purchase of engines and all other works and matters which in the ordinary course of business may be properly charged to capital account.

Repayment
of moneys
borrowed
under
41 & 42 Vict.
c. cciii.
38 & 39 Vict.
c. 83.

9. Any moneys borrowed either before or after the passing of this Act by the Corporation under the authority of the Act of 1878 and subject to the provisions of the Local Loans Act 1875 may be discharged by the Corporation (notwithstanding anything in section thirty-eight of the Act of 1878) within the respective periods limited by section thirty-four of the said last-mentioned Act for the discharge of borrowed moneys having regard to the time of borrowing the same respectively.

Power to
borrow.

10. The Corporation may from time to time borrow at interest such further sums as they may from time to time require for such of the general purposes of their water undertaking as may properly be provided for out of capital not exceeding twenty thousand pounds and may secure the repayment of any sums so borrowed by mortgage of their borough fund and borough rate and of the revenue of their waterworks undertaking in manner provided by the Act of 1878 or by the issue of debentures debenture stock or annuity certificates under the Local Loans Act 1875 to be charged on the funds rates and revenues aforesaid or partly in the one way and partly in the other.

Repayment
of moneys
borrowed
under this
Act.

11. All moneys borrowed under this Act shall be paid off by the Corporation within seventy years after the same are respectively borrowed by some one or more of the methods provided for the repayment and discharge of borrowed moneys by the Act of 1878 and subject and according to the provisions of that Act so far as they are applicable in that behalf including the provision for making an annual return to the Local Government Board with respect to any sinking fund or payment off of any loan by instalments.

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12. The Corporation may from time to time re-borrow in manner provided by this Act and the Act of 1878 any moneys borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of superfluous lands and all moneys re-borrowed under this Act or the Act of 1878 shall be paid off within the period prescribed in the case of the original loan and such moneys shall for this purpose be deemed to form part of the original loan.

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Power to re-borrow.

13. Where any sinking fund has been established whether before or after the passing of this Act by the Corporation for the purpose of discharging any moneys borrowed by them under any Act of Parliament or Order confirmed by Parliament all sums carried to such sinking fund may be from time to time invested by the Corporation as and when they deem expedient in any mortgages bonds annuities debenture stock or other capital stock (by whatever name designated) authorised by Parliament of any local authority as defined by the Local Loans Act 1875 (including the Corporation) in addition to the securities mentioned in section fifteen of that Act.

As to investment of sinking funds.

14. Within the extended limits of supply of the Corporation and so far as relates to the Corporation and their water undertaking section thirty-five of the Waterworks Clauses Act 1847 shall be read and have effect so that a person shall not be deemed to be an occupier of a house within the meaning of that section unless he is occupier of a house in the part of the town or district to which the water is required to be brought under that section under a lease or agreement for a lease of which not less than three years is unexpired.

Modification of sec. 35 of 10 & 11 Vict. c. 17.

15. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed under the powers of the Act of 1878 or of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Commons.

Expenses of Act.

