



CHAPTER lxxxii.

An Act to authorise the East London Waterworks Company to execute further works and to raise further money in order to enable them to fulfil their statutory obligations relating to the supply of water or otherwise and to meet the increased demand for water within their district to amend the Acts relating to that Company; and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS the following Acts have been passed relating to the East London Waterworks Company (in this Act called "the Company") that is to say:—

- The East London Waterworks Act 1807;
- The East London Waterworks Act 1808;
- The East London Waterworks Act 1829;
- The East London Waterworks Act 1852;
- The East London Waterworks Act (No. 2) 1852 (repealing the four before-mentioned Acts);
- The East London Waterworks Act 1853 (repealing the last-mentioned Act of 1852);
- The East London Waterworks Extension of Time Act 1854;
- The East London Waterworks Act 1862;
- The East London Waterworks (Thames Supply) Act 1867;
- The East London Waterworks (Powers) Act 1867;
- The East London Waterworks Company Act 1881:

And whereas by their former Acts the Company have been authorised to raise by shares or stock capital to the amount of £1,720,560 the whole of which amount has been raised and expended and is now represented by ordinary stock of the Company of the same nominal amount entitled to a maximum dividend of 10 per centum per annum and were empowered to borrow upon mortgage the sum of £394,440 the whole of which sum has been borrowed and expended by the Company and is now represented by debenture

A.D. 1886. — stock of the Company of the same nominal amount bearing interest at the rate of £4 10s. per centum per annum free of income tax :

And whereas the population in the Company's district of supply has been for some time past and still is rapidly increasing and the Company's existing sources of supply are insufficient to enable them to comply with their statutory obligations as regards the supply of water :

And whereas it is expedient in the interests of the public that the Company be empowered to obtain a further supply of water and for that purpose and for preventing risk of contamination to the water supplied by them to construct the waterworks by this Act authorised :

And whereas it is expedient that in order to improve the access to their Hanworth pumping station and to lessen the injury caused to the Hanworth Road by the heavy traffic now passing over it to and from the said pumping station the Company be authorised to lay down and maintain rails over and across the said road :

And whereas the Company will require for the purpose of executing such works and for laying down the additional mains and pipes necessary to meet the increased demand for water within their district and to enable them to fulfil their obligations the sum of £350,000 or thereabouts and it is expedient that the Company be empowered to raise that sum by debenture stock :

And whereas it is expedient that such further powers be conferred upon the Company and such further provision made with respect to the Company and their undertaking as are in this Act expressed and contained :

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 Essex Middlesex and Surrey 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 East London Waterworks Act 1886.

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):—

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Incorporation of general Acts.

Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883;

The Waterworks Clauses Act 1847 except the provisions of that Act with respect to the communication pipes to be laid by the undertakers and sections 35 and 36 of that Act and the Waterworks Clauses Act 1863 except the 12th section of that Act;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof: Provided that in construing the provisions of the latter Act for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised: Provided also that the said provisions as incorporated with this Act shall apply only to the reservoir and the cuts Nos. 1 2 and 3 by this Act authorised.

3. Terms to which meanings are assigned by 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 were a simple contract debt and not a debt or demand created by statute.

Interpretation.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks and other works herein-after described with all proper embankments walls 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.

Power to make waterworks and to take lands &c.

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The works herein-before referred to and authorised by this Act are—

- (1.) A well and pumping station to be situate wholly in the township of Waltham in the parish of Waltham Holy Cross otherwise Waltham Abbey in the county of Essex on certain lands forming portion of the lands numbered 67 on the $\frac{1}{2500}$ ordnance map of the said parish of Waltham Holy Cross in the county of Essex and belonging or reputed to belong to the Lea Conservancy Board;
- (2.) An aqueduct conduit or line of pipes No. 1 wholly in the township of Waltham aforesaid commencing at the well and pumping station above described and terminating in or under the main road leading from Waltham Abbey to Waltham Cross at a point therein about 90 yards westward from the bridge by which that road is carried over the Lea navigation;
- (3.) A service reservoir to be situate on lands in the township of Upshire in the said parish of Waltham Holy Cross otherwise Waltham Abbey numbered 541 and 542 on the $\frac{1}{2500}$ ordnance map of the said parish;
- (4.) An aqueduct conduit or line of pipes No. 2 wholly in the township of Upshire aforesaid commencing in the southern corner of the service reservoir lastly above described and running south-easterly for a distance of about 40 yards to and terminating in the main road leading from Woodford to Epping;
- (5.) A cut No. 1 in extension of the Chingford Mill Tail commencing at the point where the said Chingford Mill Tail joins the River Lea in the parish of Chingford in the county of Essex passing thence through the parish of Edmonton in the county of Middlesex and terminating in the parish of Walthamstow in the said county of Essex in the River Lea at a point about 150 yards from the north-western corner of the existing reservoir of the Company known as the High Maynard Reservoir;
- (6.) A cut No. 2 being a diversion of the River Lea commencing in the parish of Chingford aforesaid 130 yards or thereabouts measuring up the said river from the point at which the Chingford Mill Tail joins the said river thence passing through the parish of Edmonton aforesaid and terminating in the River Lea in the parish of Walthamstow aforesaid at a point 230 yards or thereabouts measuring in a straight line southward from the point at which the Chingford Mill Tail joins the said river;

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(7.) A cut No. 3 being a diversion of the Ching Brook commencing at or near the point in the said parishes of Chingford and Walthamstow or one of them where the bridge known as Folly Bridge crosses the said brook and terminating in the River Lea in the said parish of Walthamstow at a point 240 yards or thereabouts westward from such bridge;

(8.) An aqueduct conduit or line of pipes No. 3 wholly in the parish of Enfield in the county of Middlesex commencing at or near the eastern boundary of the Cambridge line of the Great Eastern Railway Company where the said railway crosses the public road leading from South Street to Ponder's End Lock and terminating in the bridge over the Mar Dyke at or near the boundary between the parishes of Enfield and Chingford aforesaid;

(9.) The laying down and maintaining in the parish of Sunbury in the county of Middlesex of one or more rail or rails over and across the Hanworth Road at or near the Company's Hanworth pumping station in the said parish of Sunbury;

together with all proper approaches communications works and conveniences ancillary or subsidiary thereto or connected therewith and may take use and appropriate for the purposes of works authorised by this Act all waters found on or under any lands acquired by the Company under the powers of this Act.

5. The cut No. 3 described in this Act and shown on the deposited plans shall be so made and at all times hereafter maintained by the Company in such manner that the sectional area of the proposed syphon or syphons shall be not less than nineteen superficial feet and that the level of the inlet to such syphon or syphons on the east side thereof shall not at any time be greater than 26.50 above the ordnance datum and the level of the sill of the outlet on the west side of such syphon or syphons shall not at any time be greater than 25.50 above such ordnance datum.

Direction for the diversion of the Ching Brook.

6. In the construction of the works authorised by this Act and subject to the provisions thereof 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 in the case of a reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding five feet: Provided always that the Company shall not construct any embankment or wall of any reservoir of a greater height above the general surface

Limits of deviation.

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of the ground than that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works

8. If the works authorised by this Act be not completed within five 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 to be exercised 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 pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply.

Power to take water &c.

9. The Company may from time to time by means of the works by this Act authorised take and divert into their now existing reservoirs and works and the reservoirs and works by this Act authorised and therein impound and thence distribute the waters of the River Lea and its tributaries and of Chingford Mill Tail and of any of the other streams and waters shown on the deposited plans: Provided that nothing herein contained shall take away lessen alter or prejudice any of the rights or privileges of the River Lea Conservancy Board under the River Lea Water Act 1855 or otherwise or shall authorise the Company to diminish the respective quantities of water under that Act secured to the said board for the purposes of the River Lea navigation.

Power to take easements &c. by agreement.

10. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water 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.

Restriction on displacing persons of labouring class.

11. The Company shall not under the powers of this Act 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 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 after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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The expression "labouring class" in this section 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 family of any such persons who may be residing with them.

12. The Company upon any lands held by them for the general purposes of their undertaking may subject to the proviso contained in section 12 of the Waterworks Clauses Act 1847 execute for the purposes of or in connexion with their undertaking any of the works and exercise any of the powers mentioned in or conferred by that section.

Power to hold lands already acquired and execute works thereon.

13. The Company may from time to time raise by the creation and issue of debenture stock any sum or sums not exceeding in the whole three hundred and fifty thousand pounds and may create and issue debenture stock accordingly and the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall so far as applicable apply to the debenture stock so to be created and issued but notwithstanding anything contained in the said Acts the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. The Company may if they think fit attach to the debenture stock to be created under this Act a fixed dividend not exceeding the rate of four pounds ten shillings per centum per annum free of income tax payable half-yearly at the same time and in the same manner as the existing debenture stock of the Company. The Company shall not at any time convert into share capital the debenture stock authorised to be raised under the powers of this Act.

Debenture stock.

14. Notwithstanding anything in any Acts relating to the Company contained the Company shall when any stock created under the powers of this Act 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

New debenture stock to be offered by auction or tender.

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lot shall comprise more than one hundred pounds nominal value of such stock and that the Company shall at any such sale by auction or by tender fix the 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.

15. 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. of stock.

16. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk of the Metropolitan Board of Works and to the town clerk of the city of London 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 by auction or tender to be offered to shareholders. 26 & 27 Vict. c. 118.

17. When any stock created under the powers of this Act 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 premium arising on issue of stock.

18. 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 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 dividend.

19. It shall not be lawful for the Company to create and issue any greater nominal amount of stock under the powers of this Act than will be sufficient to produce including any premiums which may be obtained on the sale thereof the total amount of the moneys which the Company are for the time being authorised to raise by the issue of such stock but in the event of such stock 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 additional amount of debenture stock as shall be equivalent to the deficiency so resulting.

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Limit to amount of stock to be created.

20. 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 percentage on such amount of the debenture stock 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 share capital or borrowed above the interest including the income tax on such interest together with an additional one per centum per annum added thereto for management on such debenture stock issued such sinking fund to be held and applied by the Chamberlain of the city of London as trustee for the purpose of purchasing and extinguishing the share capital of the Company or for such other purposes as Parliament may from time to time determine.

Creation of sinking fund.

21. All moneys raised under this Act shall be applied by the Company for the following purposes or some of them and no other (that is to say) :—

Application of moneys.

(A.) In or towards payment of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto ;

(B.) In the purchase of lands and property for and the execution of the works by this Act authorised ; and

(C.) In providing and laying down mains and pipes for the supply of water within their limits of supply and in fulfilling their existing obligations relating to the supply of water or otherwise and in meeting the increasing demand for water within their existing limits of supply :

Provided always that such moneys shall be applied only to purposes to which capital is properly applicable.

22. When under this Act or any other Act relating to the Company or any Act incorporated therewith the Company are required before opening breaking up or disturbing any street bridge sewer drain tunnel railway tramway or land to give notice of their intention to open break up or disturb the same to the body company or person

As to notices to be given before opening &c. streets &c.

A.D. 1886. to whom the same belongs or under whose control or management the same may be or to their clerk surveyor or other officer it shall be sufficient for the Company to give such notice in writing under the hand of their secretary or engineer for the time being in the form set forth in the schedule to this Act or as near thereto as circumstances will admit.

Appearance of Company before courts of summary jurisdiction &c.

23. The Company may appear before any courts of summary jurisdiction judges of county courts and other courts and tribunals other than the High Court of Justice by their secretary or by any officer or person appointed generally or in respect of any special proceeding by writing under the common seal of the Company and their secretary or any officer or member so appointed shall be at liberty to institute and carry on any proceeding in any such courts or tribunals aforesaid which the Company are authorised to institute or carry on and it shall not be necessary in any proceeding to prove the seal of the Company to any such writing or that any person described therein as an officer of the Company is such officer.

Saving rights of the New River Company.

24. Nothing herein contained shall take away lessen alter or prejudice any of the rights remedies powers authorities privileges, exemptions and benefits vested in or granted or reserved to or now enjoyed or exercised by the New River Company with respect to the River Lea.

Provisions as to general Acts.

25. 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.

Costs of Act.

26. 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.

