



CHAPTER ccxiv.

An Act to confirm an Agreement for the transfer of the Undertaking of the East Warwickshire Waterworks Company to the Urban District Council of Nuneaton and Chilvers Coton and to enable the Council to construct Additional Waterworks and for other purposes.

A.D. 1897.

[6th August 1897.]

WHEREAS the East Warwickshire Waterworks Company (in this Act called "the Company") were incorporated by the East Warwickshire Waterworks Act 1882 (in this Act called "the Act of 1882") and empowered to construct waterworks and to supply water to the town and parish of Nuneaton and certain other parishes and places in the county of Warwick which limits include the whole of the urban district of Nuneaton and Chilvers Coton :

And whereas in consequence of the increased population and demand for water within the said urban district since the passing of the Act of 1882 it is expedient that the additional waterworks herein-after described should be constructed :

And whereas the Company are not supplying water outside the said urban district and have agreed to sell their undertaking to the urban district council of the said urban district on the terms contained in the agreement dated the eighth day of February one thousand eight hundred and ninety-seven a copy of which as altered is set forth in the schedule to this Act and it is expedient that such agreement should be confirmed and the undertaking of the Company so far as it relates to the said urban district should be vested in the said council in accordance with the terms thereof and the necessary powers conferred upon the council for carrying on the said undertaking and constructing the works by this Act authorised and that the powers of the Company for the supply of water beyond the limits of the urban district should be repealed :

And whereas in consequence of the large expenditure required for providing the additional waterworks by this Act authorised it is

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A.D. 1897. — expedient the charges limited by the Act of 1882 for supplying water for domestic purposes be increased in manner herein-after provided :

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

And whereas plans and sections showing the lines situation and levels of the waterworks authorised by this Act and also 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 of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Warwick and are herein-after referred to as the deposited plans sections and book of reference :

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 Warwickshire Waterworks Act 1897.

Incorporation of general Acts.

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

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) ; and

The Waterworks Clauses Act 1847 (except the words in the forty-fourth section thereof “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” and except the provisions with respect to the amount of profit to be received by the undertakers and section 83 thereof) and the Waterworks Clauses Act 1863 ;

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.

Interpretation.

3. Terms 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 (unless varied thereby) the same respective meanings And in this Act—

“ The council ” means the Urban District Council of Nuneaton and Chilvers Coton ;

“ The clerk ” means the clerk to the council ;

“ The urban district ” means the Urban District of Nuneaton and Chilvers Coton ;

“ The scheduled agreement ” means the agreement between the Company and the council dated the eighth day of February

one thousand eight hundred and ninety-seven as altered and set forth in the schedule to this Act; A.D. 1897.

“The date of vesting” means the date on which the undertaking of the Company shall be vested in the council under the provisions of the scheduled agreement and of 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 common simple contract debt and not a debt or demand created by statute.

4.—(1) The scheduled agreement is hereby subject to the provisions of this Act ratified and confirmed and made binding on the parties thereto. Confirmation of scheduled agreement and vesting of undertaking in council.

(2) On the issue by the council of the bonds as provided by the scheduled agreement and the payment by the council of the other sums mentioned in Article 2 thereof the undertaking of the Company as defined in the scheduled agreement shall as on and from the twenty-third day of June one thousand eight hundred and ninety-seven be by virtue of this Act without any conveyance transferred to and vested in the council with the same title and for the same estate and interest as the Company held the same.

5. All purchases sales conveyances deeds contracts and agreements entered into or made by the Company and in force at the date of vesting shall be as binding and of as full force and effect in every respect against or in favour of the council and may be enforced as fully and effectually as if instead of the Company the council had been a party thereto. Contracts &c. of Company to be binding on council.

6. No action suit or other proceeding whatsoever commenced either by or against the Company previous to the date of vesting in relation to the undertaking by this Act vested in the council shall abate or be discontinued or be prejudicially affected thereby but all such actions suits and other proceedings shall continue and take effect either in favour of or against the council in such and the like manner as the same would have continued and taken effect in relation to the Company if the undertaking had not been transferred and all penalties by reason of any offence against the provisions of the Act of 1882 previous to such transfer may be sued for and all offences which may have been committed before such transfer against the provisions of that Act or any of such offences may be prosecuted in such or in like manner to all intents and purposes as the same might have been sued for and prosecuted Actions &c. not to abate.

A.D. 1897. — respectively if such transfer had not been made. Provided that as between the Company and the council the provisions of this and the next preceding section shall not extend or be construed to relieve the Company from any payment or liability which under the scheduled agreement is to be discharged by the Company.

Purposes for which the Company to continue incorporated.

7. From and after the date of vesting the Company shall subsist only for the purpose of recovering and enforcing payment of the rates rents charges and other revenues due or owing to the Company previous to that date and of paying all debts and liabilities payable by the Company under the scheduled agreement and distributing the balance of their funds and effects after deducting such payments and all the expenses of and incident thereto among their shareholders rateably according to their respective holdings and for winding up the affairs of the Company and the directors of the Company who are in office at the date of vesting and the survivors and survivor of them shall continue without re-election to hold the office of directors of the Company and they or the majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein before mentioned.

Dissolution of Company.

8. Upon the purposes specified in the last preceding section being fulfilled the Company shall ipso facto be dissolved.

Application of Company's Acts to council.

9. From and after the date of vesting all the powers rights privileges and authorities of the Company under the Act of 1882 and this Act shall be by virtue of this Act transferred to and vested in and may be exercised by the council and the said Acts shall be read and have effect as if the council had been named therein instead of the Company except the provisions of this Act relating to the transfer and vesting of the Company's undertaking and subject to the following exceptions and provisions:—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 incorporated with the Act of 1882 shall not apply to the council:

(2) The provisions of the Act of 1882 and of the Acts incorporated therewith relating to the constitution of the Company and meetings of directors and to share or loan capital and to dividends and limitation on and application of the profits of the Company and to the accounts of the Company shall not apply to the council:

Provided that section 6 of the Act of 1882 (limits of Act for supply of water) shall be amended so as to include only the urban district. Provided further that nothing in sections 49 and 50 of

the Act of 1882 shall authorise the council to refuse or cut off a supply of water to any house for domestic purposes. A.D. 1897.

10. From and after the date of vesting all byelaws and regulations made by the Company and then in force shall continue in force the council being substituted therein for the Company until new byelaws made by the council shall have come into force. Byelaws and regulations of Company continued.

11.—(1) The council may from time to time borrow at interest the sums of money herein-after specified or any part thereof (that is to say) :— Power to borrow.

(a) For the purpose of paying off or redeeming the mortgage bonds issued to the shareholders and bondholders of the Company under the scheduled agreement any sum not exceeding twenty-three thousand six hundred pounds ;

(b) For the purpose of paying or providing the amount to be paid to the Company in cash in pursuance of the scheduled agreement any sum not exceeding five thousand four hundred pounds ;

(c) For the construction of works and the other purposes of this Act and the general purposes of their water undertaking any sum not exceeding fifty thousand pounds ;

(d) To pay the taxed costs charges and expenses of the council of and preliminary and incidental to the transfer of the Company's undertaking and the taxed costs (of the council) of this Act the sums necessary for those purposes :

And in order to secure the moneys so borrowed they may mortgage the net revenue of their water undertaking and the district fund and general district rate.

(2) Money borrowed under this section shall be applied only to the purpose for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

(3) The bonds issued under the terms of the scheduled agreement and any money borrowed under sub-section (a) for paying off or redeeming the same and any money borrowed under sub-section (b) for providing the amount to be paid to the Company in cash pursuant to the said agreement shall be repaid within fifty years from the date of vesting or borrowing as the case may be and all money borrowed under sub-section (c) shall be repaid within sixty years from the borrowing of the same and moneys borrowed under sub-section (d) shall be repaid within ten years from the borrowing of the same.

(4) If having borrowed any money under the provisions of this Act the council pay off the same or any part thereof otherwise than

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Money may be raised under Local Loans Act 1875.

12. The council may raise the whole or any part of the moneys which they are authorised to borrow under this Act by the issue of debentures or debenture stock under the Local Loans Act 1875 which debentures or debenture stock shall be redeemed or paid off within the periods respectively prescribed by this Act for the repayment of the moneys for the raising of which such debentures or debenture stock shall have been issued The provisions of this Act as to sinking fund shall apply to moneys borrowed under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

As to mortgages of council.

13.--(1) All mortgages granted by the council under this Act shall rank together without priority on account of the dates of the respective mortgages or on any other account.

(2) The provisions contained in sections 236 to 239 (both included) of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the council and the term "rates" shall be construed to include the net revenue of the water undertaking of the council and the district fund and general district rate.

Repayment of borrowed moneys.

14. The council shall pay off the bonds issued under the scheduled agreement and all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of the sinking fund herein-after referred to or partly by such instalments and partly by such sinking fund Provided that it shall not be obligatory on the council to pay off any money borrowed under this Act or to make any appropriations for the sinking fund in respect thereof before the expiration of three years from the borrowing of the

same or to make any appropriations for the sinking fund for the redemption of the bonds before the expiration of two years from the date of vesting. A.D. 1897.

15. The following regulations shall be observed by the council in relation to the sinking fund formed under this Act:— Regulations
as to sinking
fund.

- (1) Such equal yearly sums shall be paid by the council out of the net revenue of the water undertaking and the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed and to redeem the bonds issued under the scheduled agreement (so far as they are repayable or redeemable by means of the sinking fund) within the period by this Act prescribed in relation thereto:
- (2) All sums paid into the sinking fund shall as soon as may be be invested by the council in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks corporation stocks or other securities (not being annuities or securities payable to bearer) duly created and issued by any municipal corporation in Great Britain or by any local authority within the meaning of section 34 of the Local Loans Act 1875 (other than the council):
- (3) The council shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal moneys or of the said bonds for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys or bonds have been discharged or redeemed:
- (4) Whenever any such principal moneys have been paid off or bonds redeemed by means of the sinking fund the council shall until the whole of the principal moneys or the whole of the bonds (so far as they are repayable or redeemable by means of the sinking fund) have been redeemed as the case may be pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based:
- (5) Whenever and so long as the market value of the securities in the sinking fund for the discharge of the principal moneys borrowed under this Act and for the redemption of bonds shall be equal to the amount of the principal moneys and bonds then outstanding the council may in lieu of investing the

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yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and bonds and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Regulations of Public Health Act 1875 not to apply to borrowing powers.

16. The powers of borrowing or raising money conferred by this Act on the council shall not be restricted by any of the regulations contained in the Public Health 1875 and in calculating the sum which the council may borrow under that Act or any other Act any sums which they may borrow or which are charged on the water undertaking under this Act or the scheduled agreement shall not be reckoned.

Priority of principal moneys secured by existing mortgages.

17. All mortgages and securities granted by the council 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 securities have priority over any mortgages or other securities granted under this Act or the scheduled agreement.

Protection of lender from inquiry.

18. No person lending money to the council shall be bound to inquire as to the observance by the council of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Annual return to Local Government Board.

19. The clerk shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by such Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount (if any) remaining uninvested at the end of the year. In the event of wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by that return or otherwise that the council have failed to pay any instalment or to

set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the council raising money under the provisions of the Local Loans Act 1875.

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20. The council shall keep separate accounts of their receipts and expenditure from or in respect of their waterworks undertaking on capital and revenue account and such accounts shall be subject to the same provisions as to audit as the other accounts of the council and the council shall apply their water revenue in the manner and order following (that is to say):—

Application
of water
revenue.

Firstly In payment of all costs charges and expenses of and incidental to the collecting and recovering of the water revenue:

Secondly In payment of the working and establishment expenses and cost of maintenance of their water undertaking:

Thirdly In payment of the interest on the bonds issued under the provisions of the scheduled agreement:

Fourthly In payment of the interest on money borrowed under this Act:

Fifthly In providing the sums necessary for instalments or appropriations or payments to the sinking fund under this Act:

Sixthly In providing a reserve fund if they think fit by setting aside such sum as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to three thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the council from their water undertaking or to meet any extraordinary claim or demand or charge at any time arising against the council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of three thousand pounds and so from time to time as often as such reduction happens Provided that when and so often as the

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said fund shall reach the sum of three thousand pounds the interest thereon shall be carried to the credit of the water revenue. Provided also that resort may be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of three thousand pounds :

Lastly The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the rates or rents payable for the supply of water for domestic purposes when circumstances shall permit the same to be done but the council may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith including the carrying out of improvements and extensions.

Provision
in case of
deficiency
of water
revenue.

21. If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the council from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the urban district shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue.

Power to
construct
additional
waterworks.

22. Subject to the provisions of this Act the council in the lines and situation and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the county of Warwick the waterworks shown on the deposited plans and herein-after described together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connexion with or incidental to such waterworks and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The principal waterworks herein-before referred to are the following :—

- (1) A well shaft or boring with pumping-station engine and boiler houses and other buildings and appliances to be situate in the fields numbered 1246 and 1247 on the twenty-five-inch Ordnance map of the parish of Polesworth and two hundred

and fifty yards or thereabouts measured in a westerly direction from the junction of the public road leading from Hurley to Whateley with the branch road leading from the first-mentioned road to Freasley :

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(2) A conduit or line of pipes (A) in the parishes of Polesworth Kingsbury Bentley Shustoke Ansley Nuncaton and Chilvers Coton commencing at the well and pumping station before described thence proceeding in a south-easterly direction through the villages or places of Hurley Bentley Church-End Ansley and Nuthurst Heath and terminating at the existing reservoirs of the Company near Robinson's End Farm in the parish of Nuneaton :

(3) A conduit or line of pipes (B) commencing in the parish of Kingsbury at or near an existing well or shaft in the field numbered 634 on the twenty-five-inch Ordnance map thence passing in a south-easterly direction into Hurley Common Road and thence along and under that road in an easterly direction and terminating in the same parish by a junction with the intended conduit or line of pipes (A) before described at the point where the road from Hurley Common unites with the public road leading from Hurley to Whateley :

Provided always that for laying the conduit or line of pipes (A) secondly before described or for other purposes of this Act the council shall not enter upon take or interfere with the lands numbered on the deposited plans 57 58 and 59 in the parish of Kingsbury and belonging or reputed to belong to William Wakefield unless with his consent in writing first had and obtained.

23. The council in addition to the waterworks by the section of this Act whereof the marginal note is "Power to construct additional waterworks" authorised may subject to the provisions of this Act from time to time upon any lands shown on the deposited plans and acquired by them or upon any other lands which may be acquired by them make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices filter-beds wells tanks approaches engines pumps machinery and appliances as may be necessary or expedient in connexion with the before-mentioned waterworks or for any purposes of their water undertaking.

Power to make subsidiary waterworks.

24. Subject to the provisions of this Act the council may by means of the works authorised by this Act collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as will or may be intercepted by the waterworks by this Act authorised or as may be found in or under any of the lands of the council or over or in respect of which they have or may acquire easements.

Power to take waters.

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Limits of
deviation.

25. In making the waterworks by this Act authorised the council 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 three feet upwards and ten feet downwards. Provided always that no pipes shall be constructed or laid above the surface of the ground except where shown on the deposited plans and sections.

Council may
acquire
easements
only in
certain lands.

26. The council in lieu of acquiring any lands for the purpose of the works by this Act authorised may acquire such easements and rights in under or over such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing such works and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts. Provided always that except as to land forming part of a street nothing herein contained shall authorise the council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso. Provided also that as regards any lands taken or used by the council for the purpose of laying the conduits or pipes underground the council shall not (unless they give notice to treat for and acquire such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the council.

Period for
compulsory
purchase of
lands.

27. The powers of the council 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 thereof.

Period for
completion
of works.

28. If the waterworks shown on the deposited plans 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 to the

council for executing such works 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 council from renewing extending enlarging altering reconstructing or removing any of their works or plant at any time and from time to time as occasion may require. A.D. 1897.

29. The council may for the purposes of their undertaking acquire by agreement in fee simple in addition to lands by this Act vested in them or take by compulsion under the powers of this Act any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder or thereover (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the council shall not deal with such lands so as to create or permit the creation of a nuisance nor use any such lands for any buildings except buildings required for the water undertaking of the council. Power to take additional lands by agreement.

30. 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 council any easement right or privilege (not being an easement right 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 rent-charges 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 grant easements &c.

31. The council may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the council think fit any lands houses or other property acquired under this Act and for the time being belonging to the council which they do not require for the purposes of their undertaking and in any such sale or lease the council may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the council think fit Provided that the council shall apply all moneys received by them in respect of any such sale or by way of fine or premium on any such lease in or towards paying off the moneys borrowed and for the time being owing under this Act or in payment off of the bonds issued under the scheduled agreement and for the time being outstanding. Sale of superfluous lands.

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 For the protection of the
 Warwickshire County
 Council.

32. In the execution of the works and exercise of the powers by this Act authorised the following provision for the protection of the Warwickshire County Council shall have effect (that is to say) :—

In carrying their line of pipes under the bridge in Ansley village the council shall carry out whatever works the county bridge-master of the county of Warwick may consider necessary to protect the fabric of the bridge such works to be carried out by the council to the satisfaction in all respects of the county bridgemaster.

Restriction
 on taking
 houses of
 labouring
 class.

33.—(1) The council 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.

(2) For the purposes of this section the expression “labouring class” means and includes 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 such persons who may be residing with them.

New waterworks
 to form part of
 council's under-
 taking.

34. The waterworks by this Act authorised shall for all purposes form and be part of the water undertaking of the council.

Byelaws for
 preventing
 waste of
 water.

35. For preventing waste misuse undue consumption or contamination of the water the following provisions shall have effect (that is to say) :—

(1) The council may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination ;

(2) No such byelaws shall be of any force or effect except within such part or parts of the limits of supply which the council

for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure :

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(3) All such byelaws shall be subject to the provisions contained in sections 182 to 186 of the Public Health Act 1875 :

(4) In case of failure of any person to observe such byelaws as are for the time being in force the council may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the council by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :

(5) Any person who shall offend against any such byelaws shall without prejudice to any other right or remedy for the protection of the council or punishment of the offender be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day on which such offence shall continue after conviction therefor and the council may in addition recover the amount of any damages sustained by them.

36. Any byelaws which the council submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the limits of supply to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the council shall thenceforth be bound to supply with water under constant pressure the part or parts of the limits of supply specified in the byelaws so confirmed.

Where bye-laws confirmed council bound to supply water under constant pressure.

37.—(1) Notwithstanding anything in the Act of 1882 the council may from and after the completion of the waterworks by this Act authorised demand and take for supplies of water for domestic purposes rents and charges not exceeding twenty-five per centum above the rates and charges prescribed by the Act of 1882.

Alteration of charges for supplies for domestic purposes.

(2) The council shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the scale set forth in section 43 of the Act of 1882 a greater sum of money than they would be entitled to demand if such house or part of a house were of such higher estimated rental value as would bring it within another division of the said scale.

A.D. 1897. **38.** Notwithstanding anything in the Act of 1882 the council shall not be compelled to supply with water any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Council not to be compelled to supply certain baths.

39. The council may from time to time enter into and carry into effect agreements with any local authority company or person for the supply of water by the council to any such local authority company or person respectively in bulk beyond the council's limits of supply for any purpose and for any 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 in writing of the local authority of the district and of any company authorised by Parliament to supply water within the district within which the supply is to be given. Provided also that the council shall not supply water under any such agreement if and so long as the affording such supply would prevent the council from giving a full and sufficient supply for all purposes within their limits of supply.

Contracts for supplying water in bulk beyond limits.

40. All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the council.

Costs of Act.

SCHEDULE referred to in the foregoing Act.

A.D. 1897.

AN AGREEMENT made the 8th day of February 1897 between THE EAST WARWICKSHIRE WATERWORKS COMPANY (herein-after called "the Company") of the one part and THE URBAN DISTRICT COUNCIL OF NUNEATON AND CHILVERS COTON (herein-after called "the Council") of the other part.

WHEREAS the Company were incorporated by the East Warwickshire Waterworks Act 1882 for the purpose of supplying the parish of Nuneaton and certain other places therein mentioned with water and under the powers of that Act have constructed waterworks and are now supplying the parishes of Nuneaton and Chilvers Coton with water And whereas the Company are promoting a Bill (herein-after called "the Bill") in the present session of Parliament for the purpose of enabling the Company to construct additional waterworks to raise additional capital and for other purposes And whereas the paid-up capital of the Company is £18,670 consisting of 1,867 shares of £10 each and the Company owe on Lloyds' bonds £12,376 3s. 8d. together with a considerable arrear of interest thereon amounting to £2,988 1s. 4d. And whereas £11,200 of the said share capital and bonds with interest thereon amounting to £14,474 5s. are held by the executors of the late Captain Henry Townshend of Caldecote Hall near Nuneaton and the said executors with a view of facilitating the purchase herein-after mentioned and of benefiting the town of Nuneaton have agreed to accept the sum of £15,000 payable as by this agreement provided in full satisfaction and discharge of the said shares and bonds and all interest thereon and the other shareholders and bondholders of the Company have agreed to accept payment of their shares and bonds in the manner by this agreement provided And whereas the Company have agreed to sell their undertaking to the council on the terms herein contained:

Now these presents witness that it is hereby agreed between the parties hereto as follows:—

1. The Company will sell and the council will purchase the entire undertaking of the Company free from encumbrances upon the terms and conditions herein-after specified The term undertaking shall include the lands buildings waterworks mains pipes plant machinery ducts plans and other property and

[Ch. ccxiv.] *East Warwickshire Waterworks* [60 & 61 VICT.]
Act, 1897.

A.D. 1897. — assets real and personal (except as herein-after mentioned) and all the authorities rights powers and privileges of the Company as the same shall stand on the 23rd day of June 1897 but shall not include and the above purchase shall not include any moneys or securities for money of or any debts due to the Company.

2. The consideration for the sale shall be—

(a) The sum of £23,600 payable in bonds to be issued by the council as herein-after provided :

(b) The sum of £5,400 in cash :

(c) The payment by the council for the stores in stock and for the temporary pump winch chains and fittings in well which will be removed when the new machinery now on order is put down such sum not exceeding £500 as shall be fixed by valuation in the ordinary way :

(d) The payment by the council of the cost price to the Company of the new machinery and plant now on order by the Company and of any new mains which shall or may be laid after the 1st day of January 1897 and including the cost of erecting the said machinery and plant and laying the said mains.

3. The purchase shall take effect as on and from the 23rd day of June 1897 and the Company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to that date and shall be entitled to all rents rates and other receipts on revenue account up to that date and where necessary for the purpose of giving effect to this Article such outgoings rents rates and other receipts shall be apportioned between the Company and the council In the event of the purchase not being completed on that date the Company shall carry on and manage the undertaking in the ordinary way as heretofore until the actual completion of the purchase for the benefit and at the risk of the council.

4. The council shall take over and shall be entitled to the benefit of and shall indemnify the Company against any liability in respect of the contract between the Company and Sir Alfred Hickman dated the 23rd March 1893 and the contract between Messrs. David Ensor and Richard Dormer and the Company dated the 15th May 1895 and two several agreements between the Coventry Canal Company and the Company dated respectively the 9th August 1887 and the 12th June 1888 and all other contracts and agreements made by the Company in the ordinary course of business and which shall be in force at the date of completion of the purchase.

5. The council shall accept such title as the Company can make to the lands and easements forming part of the undertaking hereby agreed to be sold and shall not make any requisition or objection in respect of the same.

6. The said sum of £29,000 shall be paid by the council in the manner following (that is to say):—

(a) The council shall issue to the executors of the late Captain Henry Townshend of Caldecote Hall near Nuneaton or such persons as they shall nominate the sum of £15,000 in bonds as herein-after mentioned such bonds to be of £50 or £100 each and the said executors shall accept the

same in full discharge of the £11,200 in shares and £14,474 5s. in bonds of the Company with interest due thereon and also all interest accruing on such bonds : A.D. 1897.

- (b) The council shall issue to every other shareholder and bondholder of the Company (the total shares and bonds now amounting to £8,600) bonds of the nominal amount of his shares or bonds and he shall accept the same in full satisfaction of such shares or bonds as the case may be and of all interest due or accruing on such bonds :

The several persons whose names appear in the books of the Company as shareholders and bondholders respectively on the 30th day of June 1897 or their respective executors administrators or assigns shall be considered to be the shareholders and bondholders of the Company for the purpose of the said issue of bonds by the council :

- (c) The sum of £5,400 being the balance of the said sum of £29,000 shall be paid in cash as herein-before provided.

7. The said bonds so to be issued by the council as aforesaid shall be secured by way of mortgage on the net revenue of the water undertaking and on the district fund and general district rate of their district and shall bear interest as from the 1st day of July 1897 at the rate of £2 15s. per centum per annum payable half yearly on the 1st day of January and the 1st day of July in each year the first of such half-yearly payments to become due on the 1st day of January 1898 The said bonds shall be redeemable at their par value at any time after the 1st day of July 1899 at the option of the council on giving six months notice in writing to the holders thereof terminating on the 1st day of January or 1st day of July in any year The provisions of sections 237 238 and 239 of the Public Health Act 1875 shall apply to the said bonds except so far as inconsistent with the terms of this agreement.

8. The Company will proceed with the said Bill which has been applied for in the present session of Parliament and will endeavour to procure the insertion therein of all necessary clauses for confirming and carrying into effect this agreement and for vesting the undertaking of the Company in the council with all necessary and usual powers for carrying on the same.

9. The council will pay all the taxed costs charges and expenses of incident and preliminary to the preparing and applying for and passing of the said Bill into an Act and of and incidental to this agreement.

10. This agreement is made subject to the approval of Parliament and to such alteration as either House of Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein it shall be in the option of either party to withdraw from the same and if the said Bill or some other Bill confirming this agreement does not pass into law before the 31st day of December 1897 this agreement shall be void.

11. If any dispute at any time arise between the parties hereto with reference to the true construction of this agreement or with reference to anything to be done thereunder or otherwise under or in relation thereto such dispute shall be referred to an arbitrator to be agreed on between the parties or

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Act, 1897.

A.D. 1897. failing such agreement to be appointed by the Local Government Board at the request of either party and the decision of such arbitrator should be final.

IN WITNESS whereof the Company and the council have caused their common seals to be hereunto affixed the day and year first above written.

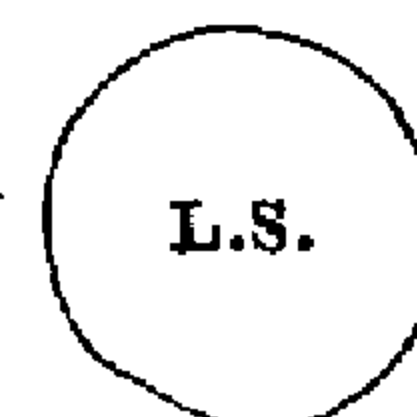
Passed under the common seal of the Company.

J. F. JOHNSON Chairman.
JOHN H. BLAND Secretary.



Passed under the common seal of the Council.

E. HADDON Chairman.
JOHN H. BLAND Clerk.



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