



CHAPTER xlv.

An Act for repealing certain provisions of the Devonport Waterworks Act 1893 and for conferring further powers on the Devonport Water Company for the construction of works and otherwise in relation to their undertaking and for other purposes. A.D. 1897.

[3rd June 1897.]

WHEREAS by an Act passed in the thirty-third year of the reign of King George the Third chapter eighty-five intituled “An Act for supplying the towns of Plymouth Dock Stoke Damerel Stonehouse and the parts adjacent in the county of Devon with “water” (in this Act called “the Act of 1793”) a company was incorporated by the name and style of the Company of Proprietors of the Plymouth Dock Waterworks for supplying with water the inhabitants of Plymouth Dock Stoke Damerel Stonehouse and of the parts adjacent and the shipping resorting thereto and empowered to execute the works by that Act authorised and generally to carry the powers of that Act into execution and duties and obligations were thereby imposed on the Company of supplying and in relation to the supply of water to certain of the Government establishments at Plymouth Dock and Stonehouse : 33 Geo. III.
c. lxxxv.

And whereas by the Plymouth Dock (Devonport) Waterworks Act 1876 (in this Act called “the Act of 1876”) provisions were made with reference to the capital of the Company existing at the passing of that Act and further powers were conferred and obligations imposed on the Company in relation to the construction of works the filtration of water supplied by them for domestic purposes the supply of water the raising of moneys and otherwise in relation to their undertaking and certain sections of the Act of 1793 were repealed : 39 & 40 Vict.
c. lxxi.

And whereas by the Devonport Waterworks Act 1889 (in this Act called “the Act of 1889”) further powers were conferred on the Company for the enlargement of some of their existing works the construction of new works the acquisition of additional lands 52 & 53 Vict.
c. lxxii.

A.D. 1897. — the raising of additional share and loan capital and otherwise in relation to their undertaking and the name of the Company was changed to the Devonport Water Company :

56 & 57 Vict.
c. lxxii.

And whereas by the Devonport Waterworks Act 1893 (in this Act called "the Act of 1893") further powers were conferred on the Company for the acquisition of lands and the supply of water and their limits of supply were defined and extended and provision was made for the purchase by the East Stonehouse Local Board of the Stonehouse portion of the undertaking of the Company as defined by that Act and for the apportionment between the Company and that local board (in that Act and in this Act called "the local board") of the sum payable to the Company for the supply of water to the Government establishments mentioned in section 11. of the Act:

And whereas by the Act of 1893 (section 14) it was enacted as follows (that is to say) :—

Provisions
with refe-
rence to a
supply of
water in
bulk by the
Company
to the local
board.

14—(1) " If at any time after the passing of this Act the
" local board by three months' previous notice in writing to
" the Company require the Company to sell and supply to
" them any water they may from time to time require for the
" purpose of supplying water for the Stonehouse District the
" Company shall at the expiration of such three months' notice
" afford to the local board such supply :

(2) " The supply shall be given by the Company to the
" local board in such quantities on every day as the local board
" shall by three months' previous notice require :

(3) " The supply shall be afforded by the Company to the
" local board at such times and in such manner as the local
" board and the Company may agree or as in default of agree-
" ment shall be settled by an arbitrator to be on the application
" of either party appointed by the Local Government Board :

(4) " The supply shall if so required by the local board be
" in perpetuity :

(5) " The price to be paid by the local board to the
" Company for the supply shall be such sum for every
" thousand gallons supplied as may be agreed between the
" Company and the local board or as in default of agreement
" shall be settled by an arbitrator to be appointed as herein-
" before in this section mentioned :

(6) " The costs of and incident to any arbitration and
" award under this section shall be borne and paid as the
" arbitrator shall direct :

(7) " The Company and the local board may from time to
" time enter into and carry into effect and rescind agreements.

“ for all or any of the purposes of this section and all matters A.D. 1897.

“ incidental thereto on such terms and conditions as they

“ respectively think fit ” :

And whereas the Company and the urban district council for the district of East Stonehouse in the county of Devon (in this Act referred to as “ the council ”) the successors of the local board have by an agreement made the tenth day of March one thousand eight hundred and ninety-six (herein-after called “ the purchase agreement ”) agreed for the sale by the Company and the purchase by the council in pursuance of and subject to the provisions of the Act of 1893 of the Stonehouse portion of the undertaking of the Company and for the apportionment between them of the sum payable to the Company for the supply of water to the Government establishments as mentioned in the said section 11 of the Act of 1893 :

And whereas it was also agreed by the purchase agreement that the Company or the council might at any time apply for an Act to repeal section 14 of the Act of 1893 and that the other of them should use all reasonable endeavours to promote the same and if necessary join in such application and that the costs and expenses of the Company and the council of and incident to the applying for and obtaining and passing such Act should be borne and paid by the Company and the council in equal shares :

And whereas it is expedient and the Company and the council are desirous that the said section 14 of the Act of 1893 should be repealed as by this Act provided :

And whereas the Company have acquired the whole of the lands required for the purposes of the works authorised by the Act of 1889 and have proceeded in the execution of and have completed some of those works and it is expedient that the powers of the Company in relation to the uncompleted works be revived and extended as by this Act provided :

And whereas the purposes of this Act cannot be effected 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 :—

1. This Act may be cited as the Devonport Waterworks Act Short title.
1897.

2. The following Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :— Incorporation of general Acts.

The Waterworks Clauses Acts 1847 and 1863 :

A.D. 1897.

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act take effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted therefrom.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith and by the Act of 1893 have the same respective meanings unless there be something in the subject or context repugnant to such construction :

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by Statute.

Repeal of s. 14 of Act of 1893.

4. From and after the passing of this Act section 14 of the Act of 1893 is by this Act repealed.

Revival of powers and extension of time for construction of works.

5. The powers of the Company for making and executing the works authorised by the Act of 1889 and described in section 4 of that Act under the letters (A) and (D) are by this Act revived and extended and may be exercised by the Company for the period of five years from the passing of this Act. If the said works be not completed within the said period of five years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

Costs of Act.

6. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and the council in the proportions agreed between them and for the purposes of section 15 of the Act of 1893 any moneys payable by the council in pursuance of this section shall be deemed to be costs charges and expenses of and incidental to the purchase of the Stonehouse portion of the undertaking of the Company payable by the council.

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