



## CHAPTER xxvi.

An Act for authorising the Sunderland and South Shields Water Company to construct new works and to raise additional capital and for other purposes. A.D. 1922.  
[31st May 1922.]

**W**HEREAS the Sunderland and South Shields Water Company (in this Act called "the Company") were incorporated by the Sunderland and South Shields Waterworks Act 1852 and are by the Sunderland and South Shields Water Acts 1852 to 1921 empowered to supply water within the limits and to the extent mentioned in the said Acts :

And whereas by the Durham County Water Board Act 1920 (in this Act called "the Act of 1920") the Durham County Water Board (therein and in this Act called "the board") was established and provision was made for the transfer to the board of the undertaking of the Weardale and Consett Water Company (hereinafter called "the Weardale Company") and the board was authorised to supply water in certain limits in the counties of Durham and Northumberland more particularly described in the Act of 1920 and the greater part of which consisted of limits within which the Weardale Company was then authorised to supply water :

And whereas the transfer to the board of the undertaking of the Weardale Company included a transfer of powers for the construction in the parish of Stanhope in the rural district of Weardale in the county of Durham of a reservoir to be known as the Burnhope Reservoir which had been originally conferred upon the Weardale Company by the Weardale Water Act 1902 but which

A.D. 1922. — said powers lapsed and were revived by the Weardale and Consett Water Act 1915 :

And whereas by the Weardale and Consett Water Act 1920 the time limited by the said Act of 1915 for the completion of the Burnhope Reservoir was extended until the expiration of fifteen years from the fourth day of August one thousand nine hundred and twenty but subject to certain provisions contained in that Act and the said Act of 1915 and relating to the period within which the construction of the said reservoir is to be commenced :

And whereas section 32 of the said Act of 1920 provides as follows (that is to say) :—

“ **32.**—(1) If within nine months from the passing of this Act the Sunderland and South Shields Water Company (in this section called “the Sunderland Company”) shall express to the Board by notice in writing their willingness to take from the Board such a supply of water in bulk as can be obtained for supply by an enlargement of the Burnhope Reservoir in excess of the size authorised by the Weardale and Consett Water Act 1915 after reserving to the Board the quantity of water which could have been obtained for supply from the said reservoir as so authorised and which quantity shall be taken to be four and a quarter million gallons a day and after allowing for all compensation water required to be given from the said reservoir the Board shall in the session of 1922 promote a Bill in Parliament for the purpose of enabling the Board to enlarge the yield of the said reservoir and for all other necessary purposes in connection therewith.

(2) The said Bill shall provide—

(A) That the Sunderland Company shall for such supply pay to the Board as from the date when the construction of the reservoir pipes and works mentioned in this subsection shall be commenced—

(i) Such proportion of the interest and sinking fund charges payable by the Board in respect of moneys borrowed for the construction of the Burnhope Reservoir scheme and of any lines of pipes and other

works which are required for supplying water from the Burnhope Reservoir to the Board and to the Sunderland Company jointly and of the maintenance and management expenses of the Board with respect to such reservoir pipes and other works as the quantity of water which will when the reservoir is completed be available for supply to the company in three consecutive dry years shall bear to the total quantity of water which will be available for supply from the Burnhope Reservoir as so enlarged in such years ; and

(ii) The whole cost of any lines of pipes and other works laid or constructed and used by the Board solely for the purpose of affording the supply aforesaid to the Sunderland Company ; and

(B) That any difference which may arise between the Board and the Sunderland Company with regard to any of the matters aforesaid shall be referred to and settled by an arbitrator to be appointed by the Minister of Health on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

(3) The Sunderland Company the mayor aldermen and burgesses of the borough of Sunderland and the mayor aldermen and burgesses of the borough of South Shields shall not nor shall any of them oppose such Bill except in so far as they may deem necessary in order to secure the insertion therein of provisions to protect their interests in conformity with the provisions of this section and for that purpose each of those bodies shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses as they may think fit.

(4) As soon as parliamentary powers have been obtained as aforesaid the works to be authorised by the intended Act shall be proceeded with without delay” :

And whereas within nine months from the passing of the Act of 1920 the Company expressed to the board by notice in writing their willingness to take from the

A.D. 1922. board such a supply of water in bulk as is mentioned in the said section 32 of the said Act of 1920 :

And whereas the board are promoting in the present session of Parliament a Bill for an Act to enable them (inter alia) to construct a reservoir to be called the Burnhope Reservoir in substitution for the Burnhope Reservoir authorised by the said Act of 1915 and ancillary works to secure a larger yield of water than the said Burnhope Reservoir so authorised as aforesaid and to make provision for supplies of water to be afforded by means thereof to the board and the Company :

And whereas it is expedient that for the purpose of enabling the Company to receive and utilise to the best advantage the supplies of water to be so afforded to them as aforesaid the Company should be empowered to execute the works by this Act authorised and that provision should be made to enable the Company to raise further moneys which they will require for the purposes of paying to the board the sums which the Company are or will become liable to pay to the board in relation to the construction of the said intended reservoir and ancillary works and for the purposes of the said works authorised by this Act and other purposes to which capital will be applicable by the Company :

And whereas by the *Sunderland and South Shields Water Act 1921* (hereinafter called "the Act of 1921") the ordinary and preference capital of the Company as existing at the passing of that Act was consolidated and now consists of six hundred and forty-one thousand three hundred and eighty-four pounds seven shillings and sixpence consolidated ordinary stock bearing a maximum dividend at the rate of eight pounds per centum per annum and of fourteen thousand five hundred and ninety pounds consolidated preference stock bearing a dividend at the rate of seven pounds ten shillings per centum per annum all of which consolidated ordinary and preference stock is by the said Act deemed to be fully paid up :

And whereas by the Act of 1921 the Company were authorised to borrow on mortgage of their undertaking or to raise by the creation and issue of debenture stock any sums not exceeding (together with the sums which at the passing of that Act had been so borrowed or raised) four hundred and fifty-five thousand six hundred and twenty-five pounds :

And whereas at the passing of the said Act the Company had borrowed on mortgage sums amounting in all to the sum of one hundred and fifty-five thousand six hundred and fifty pounds : A.D. 1922,  
—

And whereas by the Act of 1921 the limits of the Company for the supply of water were extended and the Company were authorised to make various new works described in the said Act and were authorised to raise additional capital by the issue of further consolidated ordinary or further consolidated preference stock to such amount as would be sufficient to produce after taking into account the premiums and discounts (if any) which might be obtained on the issue or re-issue thereof any sum not exceeding in the whole four hundred thousand pounds and by the said Act the Company were further authorised to borrow on mortgage of their undertaking or to raise by the creation and issue of debenture stock any sum or sums not exceeding in the whole one half of the amount of such additional capital as at the time of borrowing should have been created and issued under the last mentioned powers of the said Act :

And whereas it is expedient that such further provisions as are contained in this Act should be made with respect to the supply of water to be so afforded by the board to the Company as aforesaid and that such further powers should be conferred upon the Company as are provided by this Act :

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

And whereas 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

A.D. 1922. Parliament assembled and by the authority of the same  
as follows (that is to say) :—

PRELIMINARY.

Short and  
collective  
titles.

1. This Act may be cited as the *Sunderland and South Shields Water Act 1922* and the *Sunderland and South Shields Water Acts 1852 to 1921* and this Act may be cited together and are in this Act referred to as the *Sunderland and South Shields Water Acts 1852 to 1922*.

Incorporation  
of Acts.

2. There are hereby incorporated with this Act—

(1) The *Lands Clauses Acts* :

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party :

(2) The clauses and provisions of the *Companies Clauses Consolidation Act 1845* with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and the said provisions shall so far as the same are respectively applicable apply to any ordinary and preference stock to be issued under the powers of this Act ;

Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts : A.D. 1922.

- (3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway and in such provisions for the purposes of this Act "the railway" means the reservoirs and so much of any line or lines of pipes by this Act authorised as will not be constructed in a highway and "the centre of the railway" means the centre lines of so much of any line or lines of pipes as aforesaid;

so far as such Acts or parts thereof are applicable for the purposes of and are not inconsistent with this Act; and

- (4) The Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847) so far as the same are applicable for the purposes of this Act and are not inconsistent with the Sunderland and South Shields Water Acts 1852 to 1922.

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

"The Act of 1921" means the Sunderland and South Shields Water Act 1921;

"The Company" means the Sunderland and South Shields Water Company;

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

"The undertaking" means the undertaking of the Company for the time being;

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“The directors” means the directors of the Company;

“The board” means the Durham County Water Board;

“The board’s Act” means any Act arising out of the Bill promoted in the present session of Parliament by the board.

#### WORKS AND LANDS.

Power to  
make  
works.

4. Subject to the provisions of this Act the Company may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the new waterworks and may enter upon take and use such of the said lands as may be required for the purpose.

The works before referred to will be situate in the county of Durham and are—

Work No. 1 A service reservoir (No. 1) at Mill Hill in the parish of Easington in the rural district of Easington in the enclosures numbered in that parish 157 and 212 to 216 inclusive on the  $\frac{1}{2500}$  Ordnance map (edition 1919 sheet XXVIII. 3):

Work No. 2 A service reservoir (No. 2) at Stonygate in the parish of East and Middle Herrington in the rural district of Houghton-le-Spring in the enclosures numbered in that parish 101 101A and 101B on the  $\frac{1}{2500}$  Ordnance map (edition 1920 sheet XIII. 12):

Work No. 3 A line or lines of pipes (No. 1) commencing in the parish of East Rainton in the rural district of Houghton-le-Spring by a junction with the proposed line or lines of pipes No. 2 (Work No. 4) hereinafter described at the junction of the road leading from Sunderland to Durham with the road leading from Fence Houses to Easington and terminating in the said parish of Easington in the service reservoir (Work No. 1) hereinbefore described:

Work No. 4 A line or lines of pipes (No. 2) commencing in the said parish of East Rainton near Four Lane Ends at a point in the enclosure numbered in that parish 154 on the  $\frac{1}{2500}$  Ordnance map (edition 1920 sheet XX. 4) 1.2 chains or



thereabouts measured in a north-easterly direction from the south-western corner of the said enclosure and terminating in the said parish of East and Middle Herrington in the service reservoir (Work No. 2) hereinbefore described. A.D. 1922.

In addition to the foregoing works the Company may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

5. In the construction of the new waterworks the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards Provided as follows (that is to say) :— Limits of deviation.

The Company shall not construct any embankment or wall of any such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream dyke or watercourse no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

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

7. If the new waterworks are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto shall cease and determine except as to such of them or so much thereof respectively as shall then be completed but nothing in this section Period for completion of works.

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Period for compulsory purchase of lands. 8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain lands and buildings. 9. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed

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the tribunal to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion so determined to be severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

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(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Private rights of way over lands taken compulsorily.

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

Persons under disability may grant easements &c.

**11.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply

to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1922.

**12.**—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Power to  
acquire  
easements  
in lieu of  
lands.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not 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 subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company 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 provision.

**13.** Subject to the provisions of this Act the Company may divert in the manner shown upon the deposited plans so much of the public footpath in the enclosure numbered in the said parish of Easington 157 on the  $\frac{1}{2500}$  Ordnance map (edition 1919 sheet XXVIII. 3) as lies between the junction of the said footpath with the road leading from Stockton to Sunderland and a point three hundred and seventy-eight yards or thereabouts measured along the said footpath in a westerly direction from the said junction and may stop-up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of footpath shown on the said plans.

Diversion  
of footpath.

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Stopping-up  
footpath  
in case of  
diversion.

14. Where this Act authorises the diversion of a public footpath and the stopping-up of a portion of an existing public footpath such stopping-up shall not take place until the new portion of the footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new portion of the footpath has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the completion to the satisfaction of the road authority of the new portion of the footpath or as from the date of the said certificate as the case may be all rights of way over or along the portion of the existing footpath authorised to be stopped up shall be extinguished and the Company may appropriate and use for the purposes of the undertaking the site of the portion of the existing footpath stopped up.

Any new portion of footpath made by way of diversion under the authority of this Act shall when made and completed as aforesaid be maintained by and at the expense of the body or persons liable to maintain the existing portion of footpath for which the new portion is substituted.

Vesting in  
Company of  
certain  
rights and  
powers  
under  
board's Act.

15. If the said Bill promoted in the present session of Parliament by the Board has at the passing of this Act or thereafter shall be passed into an Act all rights and powers conferred by that Act in regard to or for the purposes of the works being Works Nos. 12 to 18 inclusive described in the said Bill shall vest in and be exercisable by the Company and the said works when constructed shall form part of and be comprised in the undertaking.

For protec-  
tion of  
North  
Eastern  
Railway  
Company.

16. The following provisions for the protection of the North Eastern Railway Company (in this section called "the railway company") shall unless with the previous consent of the railway company in writing apply and have effect:—

- (1) All mains pipes or other works (which words shall include the works referred to in the section of this Act whereof the marginal note is

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“ Vesting in Company of certain rights and powers under board’s Act ”) laid or constructed by or on behalf of the Company under the powers of this Act upon over along or under any railway of the railway company shall if they are carried over the railway be so carried that the bottom of any such mains pipes or other works or the girder carrying the same is in no case nearer the top of the rails of the railway than fifteen feet six inches and all such mains pipes or other works carried under the railway shall be carried inside a culvert or culverts or other pipe or pipes of sufficient dimensions to admit of such mains pipes or other works being relaid or repaired without interference with the railway and so that no part of such work shall be nearer the bottom of the rails of the railway than three feet and in laying constructing and maintaining any such mains pipes culverts or other works (in this section called “ the authorised works ”) upon over along or under any work or property of the railway company the Company shall with all despatch execute and maintain the authorised works under the direction and superintendence (if given) and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans drawings and specifications previously submitted to and approved by him in writing or in the event of difference as may be determined by arbitration in manner hereinafter provided If the said engineer shall not signify his disapproval of any such plans drawings and specifications within twenty-eight days from the submission thereof to him he shall be deemed to have approved them The Company shall pay and make good to the railway company all loss damages and expenses which the railway company shall sustain or incur in consequence of the laying construction maintenance or user of or the failure of or any accident to the authorised works or any reservoirs of the Company by this Act authorised :

- (2) If at any time it is found necessary in order to enable the railway company to carry out any

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alterations or extensions of their railway or works that the position of the authorised works should be altered the Company shall on receiving notice in writing from the railway company so to do at the Company's own cost with all despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the authorised works in their altered position :

- (3) If the railway company within twenty-eight days from the approval by the said engineer or the determination by an arbitrator of any plans drawings or specifications as aforesaid give to the Company notice in writing that the railway company desire to themselves lay or construct so much of the authorised works as are shown on such plans drawings or specifications or to carry out any renewals thereof or repairs or alterations thereto the railway company may execute the works and recover the reasonable cost thereof from the Company :
- (4) The Company shall to the reasonable satisfaction of the said engineer with all convenient speed restore and make good any work and the road and pavement over any bridge level crossing and approach which the railway company are liable to maintain and which are disturbed or interfered with by or in consequence of any exercise by the Company of their powers under this Act and shall keep any such road or pavement in repair for three months after such restoration or making good and when any soil broken up continues to subside for a further period not exceeding twelve months :
- (5) If the Company make unnecessary delay in restoring or making good any such work road or pavement as aforesaid or neglect to keep such road or pavement in repair as aforesaid the railway company may after giving three days' notice in writing to the Company themselves restore and make good the work road or pavement and any expense reasonably in-



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curred by the railway company in that behalf shall be repaid to them by the Company :

- (6) The Company shall not without the consent in writing of the railway company purchase or take under the powers of this Act any property of the railway company but may purchase or take and the railway company on being requested so to do by the Company shall sell to the Company such right or easement or privilege upon over along or under any railway works or property of the railway company delineated on the deposited plans as shall be necessary for the purpose of laying constructing maintaining and using the authorised works and the Company shall not either temporarily or permanently enter upon use or interfere with any railway works or property of the railway company save only as far as may be necessary for the purpose of laying constructing maintaining and using the authorised works in accordance with the provisions of this Act :
- (7) Nothing in this Act shall authorise the Company to interfere with any existing watering places ponds or reservoirs of or provided by the railway company or leased to or used by such Company :
- (8) In case of any difference between the Company and the railway company or their respective engineers touching the meaning or effect of this section or in relation to anything done or to be done under its provisions the same shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to such reference.

**17.** The following provision for the protection of the Newcastle-upon-Tyne Electric Supply Company Limited the County of Durham Electric Power Supply Company the County of Durham Electrical Power Distribution Company Limited the Houghton-le-Spring and District Electric Lighting Company Limited the Cleveland and Durham County Electric Power Company and the

For protection of electrical companies.

A.D. 1922. Northern Counties Electricity Supply Company Limited (each of whom is in this section referred to as "the electrical company") shall unless otherwise agreed between the Company and the electrical company apply and have effect (that is to say):—

Notwithstanding anything in this Act or in the Act of 1921 contained the Company shall not under the powers of this Act or of the Act of 1921 interfere with any electric line or work of the electrical company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882.

Amend-  
ment of  
Act of 1921  
and agree-  
ment with  
Horden  
Collieries  
Limited.

18. All powers conferred on the Company by the Act of 1921 to take and acquire land or easements for the purpose of making the service reservoir Work No. 5 at Mill Hill aforesaid by that Act authorised shall cease and paragraph 3 of the agreement contained in the Second Schedule to that Act shall be read as though Work No. 1 by this Act authorised had been referred to therein instead of the said Work No. 5 and as though the words "five hundred and five feet" in the said paragraph 3 were "five hundred and fifteen feet."

#### FINANCIAL PROVISIONS.

Additional  
capital.

19. The Company may from time to time raise additional nominal capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which there may be on the issue or reissue thereof any sum not exceeding in the whole nine hundred thousand pounds by the creation and issue of further consolidated ordinary or consolidated preference stock Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient after taking into account premiums and discounts (if any) as aforesaid to produce the sum of nine hundred thousand pounds.

Power to  
borrow:

20. The Company may from time to time subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one half of the amount which at the time of borrowing has been raised by the creation and issue of consolidated ordinary stock and consolidated preference stock or in either of those ways under the powers of the section of

this Act of which the marginal note is "Additional capital" but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with any premiums (if any) realised on the sale thereof has been fully paid up.

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**21.** Section 64 (Appointment of receiver) of the Act of 1921 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

Appoint-  
ment of  
receiver.

The mortgages of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgages by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

**22.** The following sections of the Act of 1921 that is to say :—

Application  
of certain  
sections of  
Act of 1921.

- Section 56 (New capital to rank with existing capital of same class);
- Section 57 (New stock to be sold by auction or tender);
- Section 60 (Existing mortgages to have priority);
- Section 61 (Application of money);
- Section 62 (Power to create debenture stock);
- Section 63 (Priority of money raised on mortgage or debenture stock over other claims);
- Section 65 (Minimum amounts of holdings of stock);
- Section 66 (Receipt in cases of persons not sui juris);
- Section 69 (Issue of redeemable preference capital and debenture stock);

shall extend and apply mutatis mutandis to and in relation to the additional capital by this Act authorised to be raised and the money by this Act authorised to be borrowed on mortgage or by the creation and issue of debenture stock respectively.

A.D. 1922.  
Power to  
pay interest  
out of  
capital  
during  
construc-  
tion.

**23.** Notwithstanding anything in the Sunderland and South Shields Water Acts 1852 to 1922 or any Act incorporated therewith the Company may until the expiration of the time limited by the board's Act for the completion of the Burnhope Reservoir thereby authorised or during any extension of that period which may be in any future session granted or provided for by Parliament or during such less period as the directors may determine charge to capital account interest at such rate not exceeding six pounds per centum per annum as the directors may determine on the amount from time to time paid up by any stockholder on any stock held by him and issued by the Company for the purpose of providing funds for making any payments which the Company are or may be required or authorised whether by the board's Act or this or any other Act to make in respect of works constructed under the board's Act or on any moneys borrowed by the Company for such purpose subject to the conditions hereinafter stated (that is to say) :—

- (a) No such interest shall begin to accrue in respect of any stock so issued until the Company shall have deposited with the Minister of Health a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the stock in respect of which such interest may be paid has been actually issued and accepted and is held by stockholders who or whose executors administrators or assigns are legally liable for the same :
- (b) The aggregate amount to be paid for interest shall not exceed two hundred and seventy thousand pounds :
- (c) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for stock and in every certificate of such stock :
- (d) The yearly accounts of the Company shall show the amount and class of stock and borrowed moneys on which and the rate at which interest thereon has been paid in pursuance of this section.

Save as is in this section set forth no interest shall be paid out of any stock or loan capital which the Company are by this Act or any other Act authorised to raise.

24. The Company may in so far as they shall from time to time have elected by election made within two months after being requested so to do by the board meet any moneys which they may be liable to contribute to the cost of the construction by the board of any works authorised by the board's Act which are for the joint benefit of the board and the Company by capital payments and except so far as such moneys shall be met by capital payments the Company shall meet the same by paying to the board in each year a share of the interest and sinking fund charges payable by the board in that year in respect of moneys borrowed by the board for the construction of such works.

A.D. 1922.  
As to payments by Company for works for joint benefit of board and Company.

25. Any sum of money due from the Company to the board under the provisions of the board's Act (except money due in respect of maintenance charges) may be raised by the Company under and subject to the provisions of the Sunderland and South Shields Water Acts 1852 to 1922 and the payment of any moneys by the Company to the board under the provisions of the board's Act as a proportion of sinking fund charges in respect of moneys borrowed by the board shall be deemed to be payments for purposes to which capital is properly applicable by the Company and may be paid by the Company accordingly.

Certain payments by Company under board's Act to be capital payments.

26. The Company and the board may make enter into and carry into effect agreements with reference to the construction maintenance and management of any works mentioned or referred to in the board's Act or this Act and the payments to be made by the Company to the board in respect thereof and as to the times and manner in which any such payments shall be made.

Agreements between board and Company.

27. The Company may apply to the purposes of this Act or to any purposes of the board's Act to which capital is by that Act or by this or any other Act properly applicable by the Company any moneys which they are already authorised to raise and have raised and which may not be required by them for the purposes for which the same were authorised to be raised.

Application of existing capital.

28. Notwithstanding anything contained in section 32 of the Act of 1921 if the Minister of Health shall within three months after the thirty-first day of December one thousand nine hundred and twenty-two receive a

Revision of rates.

A.D. 1922. — unanimous request from the mayor aldermen and burgesses of the county boroughs of Sunderland and South Shields the mayor aldermen and burgesses of the borough of Jarrow and the council of the urban district of Hebburn to revise the rates for the supply of water authorised by the Act of 1921 the Minister may if he thinks fit thereupon revise the said rates subject to and in accordance with the provisions of that section but not more than one such revision shall be made under the powers of this section and such revision shall operate from the beginning of the quarter of the Company's year commencing in February one thousand nine hundred and twenty-three.

MISCELLANEOUS.

Penalty for closing valves and apparatus.

**29.** Every person who shall wilfully (without the consent of the Company) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing any valve on his communication pipe.

Several sums in one summons.

**30.** Where the payment of more than one sum by any person is due under the Sunderland and South Shields Water Acts 1852 to 1922 any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Liability to water rate not to disqualify justices from acting.

**31.** A judge of any court or a justice shall not be disqualified from acting in the execution of the Sunderland and South Shields Water Acts 1852 to 1922 by reason of his being liable to any rate.

Penalties not cumulative.

**32.** Penalties imposed under the Sunderland and South Shields Water Acts 1852 to 1922 and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Recovery of penalties &c.

**33.** Save as otherwise by this Act expressly provided all offences against the Sunderland and South Shields

[12 & 13 GEO. 5.] *Sunderland and* [Ch. xxvi.]  
*South Shields Water Act, 1922.*

Water Acts 1852 to 1922 and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1922.

**34.** Proceedings for the recovery of any demand made under the authority of the Sunderland and South Shields Water Acts 1852 to 1922 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

**35.** 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 and may be charged in whole or in part against revenue. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

Parish.	Nos. on deposited Plans.
Haswell - - - - -	2 3.

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