



CHAPTER Ixiv.

An Act to authorise the Bristol Waterworks Company to construct new works to acquire additional lands and to raise additional capital and for other purposes. [29th July 1927.] A.D. 1927.

WHEREAS the Bristol Waterworks Company (in this Act called "the Company") were incorporated by the Bristol Waterworks Act 1846 and their powers were extended by two subsequent Acts passed in the years 1850 and 1853 respectively :

And whereas the said three Acts were repealed by the Bristol Waterworks Act 1862 but the Company were by that Act continued incorporated by the same name and further powers were conferred upon the Company by the Bristol Waterworks Acts and Order 1862 to 1926 :

And whereas the demand for water within the existing limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand it is expedient that the Company should be empowered to make and maintain the works and to acquire the lands hereinafter respectively described :

And whereas by the Bristol Waterworks Act 1926 the capital of the Company was as from the thirty-first day of December one thousand nine hundred and twenty-six converted into one million two hundred and thirty-three thousand eight hundred and eighty-five pounds consolidated ordinary stock and nine hundred and ninety-two thousand two hundred and fifty-eight pounds

A.D. 1927.

consolidated preference stock and five hundred and seventy-six thousand four hundred and sixty-eight pounds consolidated debenture stock and the Company were by the said Act authorised to raise by mortgage or the creation and issue of further consolidated debenture stock the sum of six hundred and thirty-eight thousand seven hundred and fifty pounds and since the passing of the said Act the Company have created and issued ninety thousand and one hundred pounds consolidated debenture stock :

And whereas the Company have no unexercised powers of raising moneys by the issue of ordinary or preference capital and it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that further powers should be conferred upon the Company as provided by this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such 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 Somerset and are hereinafter 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 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 Bristol Waterworks Act 1927 and the Bristol Waterworks Acts and Order 1862 to 1926 and this Act may be cited together and are in this Act referred to as the Bristol Waterworks Acts and Order 1862 to 1927.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act:—

A.D. 1927.
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Incorporation of
Acts.

(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 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);

(3) The 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 Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) (except the provisions thereof which limit the

[Ch. lxiv.] *Bristol Waterworks* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

rate of dividend on preference capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

- (4) 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 expression "the railway" means the reservoir by this Act authorised 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 the said reservoir and of so much of any line or lines of pipes as aforesaid.

Interpre-
tation.

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 And—

"The Company" means the Bristol Waterworks Company;

"The limits of supply" means the limits for the time being of the Company for the supply of water;

"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 for the time being of the Company;

"The map" means the second edition (1903) of the Ordnance map scale $\frac{1}{2500}$ of the county of Somerset;

"The Act of 1889" means the Bristol Waterworks Act 1889;

"The Act of 1902" means the Bristol Waterworks Act 1902;

"The Act of 1914" means the Bristol Waterworks Act 1914;

"The Act of 1917" means the Bristol Waterworks Act 1917;

"The Somerset Council" means the county council of the administrative county of Somerset.

4. Subject to the provisions of this Act the Company may in the county of Somerset 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 following works and may acquire enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

A.D. 1927.
—
Power to
make
works.

In the parish of Cheddar in the rural district of Axbridge—

Work No. 1 An intake and chamber on the northern bank of the River Yeo being an extension of the existing intake chamber of the Company;

Work No. 2 A line or lines of pipes (No. 1) commencing in the said existing intake chamber and terminating by a junction with the existing line or lines of pipes of the Company in Cliff Street at the junction of that street with Tweentown Way;

Work No. 3 A line or lines of pipes (No. 2) commencing by a junction with the said line or lines of pipes (No. 1) (Work No. 2) at its termination and terminating in the reservoir (Work No. 5) hereinafter described;

Work No. 4 A line or lines of pipes (No. 3) commencing by a junction with the said line or lines of pipes (No. 2) (Work No. 3) in the enclosure numbered 1075 on the map and terminating by a junction with the existing line of pipes of the Company at their Cheddar pumping station;

Work No. 5 A reservoir (to be called the Cheddar Reservoir) approximately circular in shape to be formed by a continuous embankment 170 chains or thereabouts in length measured on the centre line thereof which centre line passes through points as follows (that is to say) on the north a point on the western boundary of the enclosure numbered 140 on the map on the south a point on the western boundary of the enclosure numbered 1264 on the map on the west a point on the

A.D. 1927.

southern boundary of the enclosure numbered 1286 on the map and on the east a point on the southern boundary of the enclosure numbered 739 on the map;

Work No. 6 A waste water conduit commencing in the north-western portion of the said reservoir (Work No. 5) in the enclosure numbered 1281 on the map and terminating at a point in Ellenge Stream 3.9 chains or thereabouts measured in a westerly direction from the eastern corner of the enclosure numbered 1282 on the map;

Work No. 7 A conduit or line of pipes (No. 4) commencing in the said reservoir (Work No. 5) at a point on the western boundary of the enclosure numbered 1265 on the map and terminating in the said Cheddar pumping station at the engine house thereat;

Work No. 8 A line or lines of pipes (No. 5) commencing by a junction with the existing line of pipes of the Company in the enclosure numbered 1030 on the map and terminating by a junction with the existing line of pipes of the Company in the enclosure numbered 1283 on the map.

In the rural districts of Axbridge and Long Ashton—

Work No. 9 A line or lines of pipes (No. 6) commencing in the parish of Churchill in the rural district of Axbridge by a junction with the existing line of pipes of the Company in the enclosure numbered 413 on the map and passing thence into the parish of Congresbury in the said rural district and the parishes of Yatton Brockley Backwell Flax Bourton Long Ashton and Barrow Gurney in the rural district of Long Ashton and terminating in the last-mentioned parish near the filter beds of the Company by a junction with an existing line of pipes of the Company.

In addition to the foregoing works the Company may upon the said lands make and maintain all such tanks filter beds overflows shafts tunnels adits bores aqueducts culverts conduits mains drains banks telegraphs telephones and other subsidiary works engines

machinery plant buildings and apparatus as may be necessary or convenient in connection with the before-mentioned works or any 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.

A.D. 1927.

5. Any telegraphs telephones or apparatus made or maintained by the Company under the provisions of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For protection of Postmaster-General.

6. 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 (including for this purpose any roadside waste forming part of or adjoining 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 to any extent downwards Provided as follows (that is to say):—

Limits of deviation.

The Company shall not construct any embankment or wall of the reservoir by this Act authorised 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.

7. 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.

8. The provisions of section 6 (Power to take waters) and of subsection (1) of section 8 (Provisions respecting abstraction of water) of the Act of 1917 shall have effect as though references to the intake and chamber (Work No. 1) by that Act authorised included references to the

Application of certain provisions of Act of 1917 to Work No. 1.

[Ch. lxiv.] *Bristol Waterworks* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. intake and chamber (Work No. 1) authorised by this Act.

Period for completion of works.

9. If the new waterworks are not completed within ten 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 except as to such of them or so much thereof respectively as shall then be completed. Provided that the Company may alter improve enlarge extend renew reconstruct or discontinue any of their works and plant as and when occasion may require.

Power to acquire lands.

10. Subject to the provisions of this Act the Company may enter upon take and use for the purposes of their undertaking the following lands shown on the deposited plans and described in the deposited book of reference in the said parish of Cheddar (that is to say) :—

(a) Lands numbered 1050 1318 1319 1320 1321 1353 1354 1355 1356 1357 and 1362 on the map.

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.

Power to acquire easements in lieu of lands.

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 as incorporated in this Act shall apply to and in respect to the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

A.D. 1927.

(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 has 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. 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 as incorporated in this Act with reference to the taking of lands otherwise than by agreement.

Private rights of way over lands taken compulsorily.

14. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of December one thousand nine hundred and thirty.

Period for compulsory purchase of lands.

15. The Company may by agreement purchase or take on lease and maintain lands to be used by their employees for the purpose of recreation.

Recreation grounds for employees.

16. Notwithstanding anything in this or any other Act or Acts to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under

Retention and disposal of lands.

A.D. 1927. — this Act or the Bristol Waterworks Acts and Order 1862 to 1926 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Limiting powers of Company to abstract water.

17. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or in some other Act of Parliament.

Diversion of streams.

18. The Company may in the parish of Cheddar make diversions of (1) the stream or rhine known as Holwell Rye between a point thereon $6\frac{1}{2}$ chains or thereabouts measured in a westerly direction along Holwell Lane from the point where the said lane crosses the Cheddar Valley branch of the Great Western Railway and the watercourse on the southerly side of the enclosure numbered 1050 on the map and (2) the stream known as Ellenge Stream between points on the said stream 6 chains or thereabouts measured in a northerly direction from the south-western corner of the enclosure numbered 730 on the map and $2\frac{1}{4}$ chains or thereabouts measured in a north-westerly direction from the eastern corner of the enclosure numbered 1282 on the map.

New footpath.

19. The Company may within the limits of deviation of lands to be acquired shewn on the deposited plans make in the parish of Cheddar a footpath leading from the south-eastern corner of the enclosure numbered 747 on the map to a point on the footpath situate on the northward side of Holwell Lane and leading from that lane to Portmeade Drove 6 chains or thereabouts measured in an easterly direction along that footpath from the junction thereof with Portmeade Drove.

Stopping up public ways.

20. The Company may stop up and cause to be discontinued in the parish of Cheddar—

(a) So much of the public footpath leading from Middle Moor Lane to Portmeade Drove as lies between the south-eastern corner of the enclosure numbered 1030 on the map and the point where

the said footpath crosses the western boundary of the enclosure numbered 1324 on the map : A.D. 1927.
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- (b) So much of Holwell Lane as lies between a point $4\frac{1}{2}$ chains or thereabouts measured along that lane in a westerly direction from the point where the said lane crosses the Cheddar Valley branch of the Great Western Railway and the westerly end of the said lane :
- (c) So much of the public footpath as extends between the westerly end of Holwell Lane and Portmeade Drove :
- (d) So much of the public footpath leading from the south-eastern corner of the enclosure numbered 746 on the map to Cheddar Street as lies between the said south-eastern corner and the point where the said footpath crosses the eastern boundary of the enclosure numbered 140 on the map :
- (e) So much of the public footpath leading from Cheddar Street to the footpath situate on the northward side of Holwell Lane and leading from that lane to Portmeade Drove as lies between the point of junction of those two footpaths and a point 6 chains or thereabouts measured in a northerly direction from the said point of junction along the said public footpath.

21. The Company may divert in the parish of Cheddar so much of the public footpath situate on the northward side of Holwell Lane and leading from that lane to Portmeade Drove as lies between the south-eastern corner of the enclosure numbered 746 on the map and a point on the said footpath 6 chains or thereabouts measured in an easterly direction along the same from the junction thereof with Portmeade Drove. Diversion of footpath.

22. In addition to any other powers conferred upon the Company by this Act the Company may stop up and extinguish all rights of way over so much of any roads or footpaths in the parish of Cheddar in the rural district of Axbridge as may be situate upon any lands acquired by the Company under the powers of this Act and thereupon all rights of way over any such portions of roads and footpaths shall be extinguished but no portion of any such road or footpath as is referred to in this section Stopping up footpaths.

A.D. 1927.

shall be stopped up unless the Company are owners of the lands on both sides thereof except so far as the owners lessees and occupiers of those lands may otherwise agree.

Stopping up roads and footpaths in case of diversion.

23. Where this Act authorises the diversion of a footpath or the making of a new footpath and the stopping up of an existing footpath or portion thereof such stopping up shall not take place until such diversion or new footpath is completed to the satisfaction of the rural district council of Axbridge and is open for public use or in the event of difference between the Company and the said council until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use :

Provided also that before applying to the justices for their certificate the Company shall give to the said council fourteen days' notice of their intention to apply for the same.

As from the completion to the satisfaction of the said council of the diversion or new footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing footpath or portion authorised to be stopped up shall be extinguished.

Vesting site of footpaths and streams stopped up.

24. The Company may appropriate and use for the purposes of their undertaking the site of any portions of roads or footpaths stopped up or diverted and the bed and banks of so much of Holwell Rye as lies between a point thereon $6\frac{1}{2}$ chains or thereabouts measured in a westerly direction along Holwell Lane from the point where the said lane crosses the Cheddar Valley branch of the Great Western Railway and the junction of the said Rye with the Ellenge Stream and of so much of the Ellenge Stream as may be diverted under the provisions of this Act.

As to private rights of way extinguished.

25. The Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this Act 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.

For protection of Marquess of Bath.

26. For the protection of the most Honourable Thomas Henry Marquess of Bath K.G. or other the person or persons for the time being entitled as tenant

A.D. 1927.

for life or for any greater estate to the property of which the said marquess was at the date of the passing of this Act tenant for life and known as the Wilts and Somerset Estate or to so much of that estate as is situate in the parishes of Cheddar and Backwell (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans—

(a) The Company shall not purchase or acquire any interest of the owner in any of the enclosures in the said parish of Cheddar numbered 1296 1291 1287 1308 1305 1309 1324 1323 1301 1303 1304 1300 1299 1298 1265 1033 1034 1031 1035 1032 1029 1056 1274 1275 1272 1270 719 722 724 720 717 728 725 726 716 746 747 743 1292 1290 1313 1312 1039 736 720 1352 1353 1355 366 363 364 and 1362 on the map unless they shall at the same time acquire the whole of the said enclosures;

(b) The Company shall not purchase or acquire any lands of the owner in which the line or lines of pipes (No. 2) (Work No. 3) and (No. 6) (Work No. 9) by this Act authorised or any of them or any part thereof respectively are to be laid but the Company may acquire and the owner shall if so required by the Company sell and grant to them the easement or right of making maintaining and using the said lines of pipes and any works incidental thereto respectively in or under the said lands. The provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall apply to the acquisition of any such easement or right as aforesaid as if they were lands:

(2) Every line of pipes laid in or through the lands of the owner shall be so laid that no part thereof (except any necessary surface boxes and man-

A.D. 1927.
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holes) shall be at a less depth than three feet below the present surface of the ground :

- (3) Before commencing to lay any such lines of pipes the Company shall carefully remove the turf and top soil of the land in which the same is to be laid and after the completion of such laying they shall to the reasonable satisfaction of the owner fill in the trench in which the pipe is laid and replace the said turf and top soil so as to restore the surface as nearly as may be to its former state and shall maintain the same for a period of twelve months after the filling in of any such trench as aforesaid :
- (4) All rock or soil excavated for the purpose of or in connection with the laying of any such line of pipes as aforesaid and not required for filling in the trench constructed therefor shall be removed either before or forthwith after the completion of such laying and shall not except with the consent in writing of the owner or his agent and upon and subject to such terms and conditions as he may impose be deposited temporarily or otherwise after such removal upon any lands of the owner :
- (5) All trenches and excavations dug by the Company in or for the purpose of the execution of the works by this Act authorised in or upon any lands of the owner shall until such trenches and excavations have been completely filled in be so fenced or otherwise efficiently guarded as to prevent persons or horses cattle or other animals from falling into the same ;

If by reason of the failure of the Company to comply with the provisions of this subsection any person lawfully being upon any lands of the owner shall be injured or killed by falling into any such trench or excavation the Company shall make full compensation in respect thereof to such person or his personal representatives ;

If any horses cattle or other animals of the owner or his tenants shall be injured or killed by falling into any such trench or excavation as aforesaid the Company shall make full

A.D. 1927.

compensation to the owner or the tenant as the case may be for such injury or killing and for any loss resulting to the owner or the tenant therefrom;

If any claim or demand is made against the owner arising out of the killing or injury of or to any such person or animal as aforesaid the Company shall fully indemnify the owner in respect of such claim or demand including any costs or expenses incurred by him in connection therewith :

- (6) The Company shall so lay and maintain the line of pipes (No. 6) (Work No. 9) by this Act authorised as not to impede the flow of water in any rhine ditch stream or other work of the owner or to cause flooding therefrom and shall make full compensation to the owner and his tenants for all damage sustained by him or them by reason or in consequence of such impeding or flooding or the construction of any works of the Company or any default of the Company their contractors servants or agents :
- (7) If any difference shall arise between the owner and the Company with reference to the provisions of this section for the determination of which express provision is not made by this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

27. The provisions of section 29 (For protection of Somerset County Council) of the Act of 1917 shall extend and apply to the new waterworks and to any operations of the Company under the powers of this Act which in any way affect any main road for the time being repairable by the Somerset Council or any county or main road bridge in the county of Somerset vested in the Somerset Council as if that section had been re-enacted in this Act.

For protection of Somerset Council.

A.D. 1927.

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For further
protection
of Somerset
Council.

28.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans if the Company acquire the lands being the enclosures numbered 127 133 134 135 136 137 138 139 140 141 363 364 365 366 367 716 717 718 719 720 722 724 725 728 730 739 741 743 744 746 747 1029 1030 and 1282 on the map and if the Somerset Council shall within ten years from the passing of this Act or within such further time as the Company and the Somerset Council shall agree give to the Company at least six calendar months' notice in writing of the desire of the Somerset Council to purchase a strip of land not exceeding one hundred and fifty feet in width and being parts of the said enclosures for the purpose of making a new main road between Cheddar and Axbridge in the county of Somerset then the Company shall on the expiration of such notice and upon payment of such price as may be agreed upon between the Company and the Somerset Council or failing such agreement as may be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 or any statutory modification or re-enactment thereof for the time being in force assure such strip of land together with any lands which the Company may require the Somerset Council to purchase therewith under the provisions hereinafter in this section contained unto the Somerset Council for an estate in fee simple in possession :

Provided that if the Somerset Council shall under the provisions of this section give notice to the Company of their desire to purchase any lands which would leave a strip of land of less than 75 feet in width between any lands so purchased and the northerly limit of any of the said enclosures the Somerset Council shall purchase the whole of any such enclosure which the Company may require them to purchase.

(2) If the Company acquire any lands forming any part of any of the enclosures referred to in subsection (1) of this section they shall acquire the whole of the said enclosures.

(3) The provisions of this section shall be in addition to and not in derogation of any other powers of the Somerset Council for acquisition of lands.

29. For the protection of the Axbridge Rural District Council (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

A.D. 1927.
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For protection of Axbridge Rural District Council.

(1) The provisions of subsections (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) and (13) of section 29 (For protection of Somerset County Council) of the Act of 1917 shall so far as applicable extend and apply and enure for the benefit of the council in relation to any road street bridge or other highway (not being a main road) for the time being maintained by the council and in the said subsections references to "such road" "such bridge" and "such approach" shall be construed as references to any such road street bridge or highway as the case may be and references to "the said works" shall be construed as references to the Works Nos. 2 3 4 6 7 8 and 9 (in this section referred to as "the said works") by this Act authorised:

(2) The said Works Nos. 2 3 4 6 7 8 and 9 where the same are carried in the Axbridge Rural District in along over or across any road for the time being repairable by the council or any roadway over any bridge vested in the council shall be laid in such a position in or at the side of such road as the council in writing under the hand of their surveyor may reasonably direct and the Company shall reinstate to the reasonable satisfaction of the council or their surveyor and shall maintain in a proper condition for a period of six months after completion of the said works any road drain goit culvert or water table water main sewer or waste water conduit belonging to or under the control of the council which may be interfered with by the Company in laying the said works and in the case of any of the said works which it is reasonably necessary to lay otherwise than in the roadway over any such bridge the same shall be carried on the structure thereof and in such manner as the council may in like manner reasonably direct The Company shall at the commencement of the

A.D. 1927.

said works provide and maintain for a period of six months after completion of the said works proper and sufficient vertical and lateral support to any buildings drains goits culverts water tables water mains sewers or waste water conduits belonging to or under the control of the council wherever the council may reasonably consider that the construction of the said works will render such support necessary :

- (3) Whenever in the exercise of the powers of this Act it may be necessary to interfere with any water main sewer or waste water conduit of the council the Company shall before interfering with the same construct to the extent to which the same is proposed to be interfered with and according to a plan to be reasonably approved by the council another water main sewer or waste water conduit in lieu of and of equal capacity to the water main sewer or waste water conduit so proposed to be interfered with and such substituted water main sewer or waste water conduit shall be connected by the council in such manner as they shall reasonably determine at the reasonable expense of the Company with the works of the council with which the water main sewer or waste water conduit to be interfered with is connected :
- (4) The Company shall not cause any water to be discharged into any sewer goit watercourse or drain belonging to or under the control of the council without the consent of the surveyor of the council which consent shall not be unreasonably withheld :
- (5) If any difference arises at any time between the council or their surveyor and the Company affecting this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between the council and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

30. For the protection of the Great Western Railway Company (hereinafter called "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Company apply and have effect (that is to say) :—

A.D. 1927.

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For pro-
tection of
Great
Western
Railway
Company.

- (1) Notwithstanding anything contained in the section of this Act the marginal note of which is "Limits of deviation" the Company shall not construct any wall or embankment of the reservoir (Work No. 5) of a greater height than that shown on the deposited sections :
- (2) The provisions of section 36 of the Act of 1917 the marginal note of which is "For protection of Great Western Railway Company" shall apply so far as they are applicable to any work by this Act authorised :
- (3) The Company shall make compensation to the railway company for any disturbance of traffic which the construction and maintenance of such works may entail.

31. The Company may from time to time raise additional capital not exceeding in the whole four hundred and fifty thousand pounds by the creation and issue of consolidated ordinary stock or consolidated preference stock or wholly or partially by one of those modes 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 after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of four hundred and fifty thousand pounds.

Power to
Company
to raise
additional
capital.

32. Except as is by this Act otherwise provided the capital in any consolidated ordinary or consolidated preference stock created by the Company under this Act and the stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and such stock were stock in that capital

Incidents
of new
stock.

A.D. 1927. — The capital in new stock so created shall form part of the capital of the Company.

Dividends
on new
stock.

33. Every person who becomes entitled to consolidated ordinary or consolidated preference stock issued under the powers of this Act shall in respect of the same be a holder of stock in the Company and shall be entitled to a dividend with the other holders of stock of the same class or description proportioned to the whole amount of such stock.

New stock
to be sold
by auction
or tender.

34.—(1) All consolidated ordinary or consolidated preference stock created under the powers of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the town clerk of the city of Bristol to the clerk of each local authority within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

A.D. 1927.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of consolidated ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective stock.

35. The Company may subject to the provisions of this Act raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one-half part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice before he gives

Power to borrow.

A.D. 1927. — his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the additional capital at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Existing mortgages to have priority.

36. All mortgages granted by the Company 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 subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

For appointment of receiver.

37. Section 50 (For appointment of receiver) of the Act of 1917 is by this Act repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Priority of money raised on mortgage or debenture stock.

38. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company

for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

A.D. 1927.
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39. The following sections of the Act of 1889 the Act of 1902 and the Act of 1917 (that is to say):—

Application of certain sections of Acts of 1889 1902 and 1917.

The Act of 1889—

Section 37 (Debenture stock); and

Section 38 (As to conversion of borrowed money into capital):

The Act of 1902—

Section 26 (Limit of dividend on new capital):

The Act of 1917—

Section 54 (Company may issue redeemable preference and loan capital); and

Section 55 (Receipt in case of persons not sui juris):

shall so far as applicable extend and apply to any capital which the Company are authorised to raise or to create and issue under the powers of this Act.

40.—(1) All moneys raised under this Act including premiums (after deducting from such moneys the expenses of and incidental to the issue of stock under the provisions of this Act) shall be applied only to the purposes of this Act to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of such stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Application of moneys.

(2) Notwithstanding anything contained in this Act the Company shall not under the powers thereof raise any money unless and until the expenditure of such money is required for the purposes of this Act.

41.—(1) Section 27 (Revision of rates) of the Bristol Waterworks Act 1921 shall be read and have effect as if the period of three years had been mentioned in the second proviso thereto instead of the period of five years.

Amending section 27 of Act of 1921.

(2) The Ministry of Health shall when making an order under the said section 27 varying the rates and charges by the said Act authorised provide that

A.D. 1927. — the rates and charges prescribed by such order shall be of such respective amounts as to produce (after providing for all such expenses as are mentioned in that section) a reasonable return on the capital stock of the Company due regard being had to any capital which may reasonably be expected to be expended by the Company during the three years immediately following the date of such order.

Application
of funds.

42. The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by stock debenture stock or mortgage under and by virtue of the Bristol Waterworks Acts and Order 1862 to 1926 and which may not be required for the purposes to which they are by any of those Acts made specially applicable.

Costs of
Act.

43. 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 in whole or in part be paid out of revenue.

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