



CHAPTER ciii.

An Act to extend the limits of the Great Yarmouth Waterworks Company, and to authorise the said Company to construct new works and raise more money; and for other purposes. A.D. 1880.
[2nd August 1880.]

WHEREAS by the Great Yarmouth Waterworks Act, 1853, (in this Act called "the Act of 1853,") the Great Yarmouth Waterworks Company (in this Act called "the Company") were incorporated and authorised to construct certain waterworks for the purpose of supplying the parishes and places of Great Yarmouth, Ormesby Saint Margaret and Ormesby Saint Michael (otherwise Great and Little Ormesby), Caister, Gorleston, and Southtown, in the counties of Norfolk and Suffolk, with water from Ormesby Broad, in the county of Norfolk: 16 & 17 Vict.
c. xvii.

And whereas further powers were conferred upon the Company by the Great Yarmouth Waterworks Act, 1857, (in this Act called "the Act of 1857,") and the Great Yarmouth Waterworks Act, 1869 (in this Act called "the Act of 1869") : 20 & 21 Vict.
c. cxxx.
32 & 33 Vict.
c. xxxi.

And whereas that part of the parish or hamlet of Southtown which is situate in the county of Norfolk, and the parts of the several parishes of Runham and Acle, in the same county, adjoining or near to the parish of Great Yarmouth, are badly supplied with water and could be conveniently supplied by the Company, and it is expedient that the Company's limits for supplying water should be extended so as to comprise such parts of those parishes and hamlet:

And whereas it is expedient that the Company should be authorised to make and maintain the aqueduct or line of pipes hereinafter described and to acquire certain additional land in the neighbourhood of their works at Ormesby Saint Michael, in the county of Norfolk:

And whereas by the recited Acts the Company were authorised to raise one hundred and twenty thousand pounds by shares and twenty-six thousand pounds by borrowing, of which sums one hundred and four thousand eight hundred pounds of share capital

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Act, 1880.

A.D. 1880. and twenty-one thousand pounds of borrowed money have been raised and expended :

And whereas plans and a section showing the line and levels of the works to be constructed and the lands to be taken under the authority of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, were duly deposited with the clerk of the peace for the county of Norfolk, and are herein-after respectively referred to as the deposited plans, section, and book of reference :

And whereas it is expedient that the Company should be authorised to raise more money by the creation of shares or stock and by borrowing on mortgage or bond :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

Short title.

1. This Act may be cited as the *Great Yarmouth Waterworks Act, 1880.*

Incorporation of general Acts.

9 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c. 16.

26 & 27 Vict. c. 118.

32 & 33 Vict. c. 48.

Construction of Act.

2. The *Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Act, 1847, the Waterworks Clauses Act, 1863, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following ; (that is to say,) 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 the nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and the exercise of the right of voting by the shareholders, 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 ; Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, and the Companies Clauses Act, 1869, shall, except where expressly varied by this Act, be incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as the incorporated Acts.*

3. The Act of 1853, the Act of 1857, and the Act of 1869, as respectively varied by any subsequent Act and by this Act, and this

Act shall be read and construed and shall have effect as if they were one Act, and shall be in force within the limits of this Act and every part thereof.

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4. The provisions contained in the Act of 1853, the Act of 1857, and the Act of 1869 which authorise the laying down, repairing, maintaining, enlarging, removing, relaying, or restoring mains, pipes, or other works in, through, over, or under any road or highway dedicated to public use, or the stoppage or breaking up or other interference with any such road or highway for any of those purposes, shall extend and apply to any highway, street, road, footpath, thoroughfare, passage, or place within the limits of this Act over which the public have or exercise a right of way, although such highway, street, road, footpath, thoroughfare, passage, or place may not have been dedicated to or adopted by or on behalf of the public.

Certain provisions of existing Acts to extend to roads, &c. not dedicated to the public.

5. The limits within which the Company may supply water shall extend to and include, in addition to the Company's existing limits, so much of the parish or hamlet of Southtown as is in the county of Norfolk, and such detached parts of the several parishes of Runham and Acle, in the same county, as are situate adjoining or near to the parish of Great Yarmouth, and the rates to be charged by the Company to the consumers of water within such extended limits may be not exceeding one fourth more than the water rates for the time being charged within the existing limits.

Limits of Act.

6. Subject to the provisions of this Act, the Company may make and maintain the aqueduct or line of pipes shown on the deposited plans and section; (that is to say,)

Power to make water-works.

An aqueduct or line of pipes, commencing by a junction with the main or pipe of the Company in the North Quay, in the town of Great Yarmouth, passing thence under the said North Quay and the River Bure to and terminating in the road (formerly a turnpike road) leading from Great Yarmouth to Acle, together with all proper works and conveniences connected therewith or incident thereto, and may enter upon, take, and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose;

And the Company may also, except as herein-after mentioned, enter upon, take, and use the land, or some part or parts thereof, in the parish of Ormesby Saint Michael, in the county of Norfolk, shown on the deposited plan relating to such parish.

7. In the construction of the works authorised by this Act the Company may deviate laterally from the lines thereof as shown on the deposited plan and described in the book of reference to the extent of the limits of lateral deviation marked thereon, and may

Limits of lateral and vertical deviation.

A.D. 1880. deviate vertically from the levels shown on the deposited section to any extent not exceeding five feet.

Protection
of Sir Ed-
mund Lacon,
Baronet.

8. Notwithstanding anything in this Act contained to the contrary, the Company shall not appropriate or stop up the road numbered 1, in the parish of Ormesby St. Michael, on the deposited plan until they shall have purchased the field numbered 2, in the same parish, on the said plan, and shall have made to the reasonable satisfaction of Sir Edmund Henry Knowles Lacon, Baronet, or other the owner for the time being of such road, for the use of such owner and all other persons who would have been entitled to the use of the said road No. 1, another road leading out of the said road No. 1 at or near the north-western corner of the said field numbered 2, and passing thence in the said field beside the western and southern boundaries thereof into the public road which forms the access to the Company's pumping station and works from the high road leading from Great Yarmouth to Rollesby, and shall not enter upon, take, or use any part of the field numbered 3 in the same parish on the said plan without the consent in writing of the said Sir Edmund Henry Knowles Lacon or other the owner for the time being of the said field.

Certain pro-
visions of
16 & 17 Vict.
c. xvii.
as to works
under River
Yare to be
applicable
to works
under River
Bure.

9. The provisions of sections from 21 to 29, both inclusive, of the Act of 1853, with reference to the execution, construction, maintenance, alteration, replacing, and repair of the works by that Act authorised to be made beneath or across the River Yare, shall extend and apply to the works by this Act authorised to be constructed beneath or across the River Bure, and shall take effect as fully in all respects as if such provisions as hereby expressly varied were inserted and re-enacted in this Act, and as if the River Bure had been therein mentioned instead of the River Yare, and as if the deposited plans and section had been therein mentioned instead of the plans and sections relating to the works by that Act authorised, and as if the Board of Trade had been therein mentioned instead of the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the office of Lord High Admiral for the time being, and as if the Secretary or one of the Assistant Secretaries to the Board of Trade had been therein mentioned instead of the Secretary of the Admiralty, and as if the commissioners acting under the authority of the Great Yarmouth Port and Haven Act, 1866, and of the Great Yarmouth Port and Haven Order, 1874, had been therein mentioned instead of the commissioners for the time being appointed or acting under or by virtue of the Great Yarmouth Haven, Bridge, and Navigation Act, 1835, and the Great Yarmouth Haven, Bridge, and Navigation Improvement Act, 1849, and as if the Supreme Court of Judicature

29 & 30 Vict.
c. ccxlvii.
37 & 38 Vict.
c. clxxxv.

5 & 6 W 4.
c. xix.
12 & 13 Vict.
c. xlvi.

had been therein mentioned instead of Her Majesty's Courts of Record at Westminster. A.D. 1880.

10. The powers of the Company for the compulsory purchase of lands under the provisions of this Act shall not be exercised after the expiration of five years after the passing of this Act. Period for compulsory purchase of lands.

11. The persons empowered by the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, respectively to sell and convey or release lands, shall, subject to the provisions of those Acts and of this Act respectively, have full power to grant to the Company in fee, either absolutely or in consideration of any yearly or other rentcharge, any easement, right, or privilege (not being an easement of water) in, over, or affecting any lands by this Act authorised to be purchased by the Company, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Owners may grant easements.

12. If the works by this Act authorised to be constructed, and shown on the deposited plans, shall not be completed within seven years from the passing of this Act, then, on the expiration of that period, the powers of the Company under this Act for making the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that the Company from time to time may alter, enlarge, renew, relay, and extend their engines, machinery, pumps, wells, mains, and pipes in such way and manner as shall be necessary for supplying water within the limits of the recited Acts and this Act. Period for completion of water-works.

13. If the Company shall not within seven years from the passing of this Act have made the aqueduct or line of pipes by this Act authorised, and laid down water mains so as to be in a position to supply water within those parts of the parish or hamlet of Southtown and the parishes of Runham and Acle which are included within the limits of this Act for the supply of water, then and in that case, on the expiration of such period, the powers by this Act granted to the Company, so far as they relate to the said parts of the parish or hamlet of Southtown and the parishes of Runham and Acle respectively, shall absolutely cease to be exercised therein. If Company do not supply the new limits with water within seven years, their powers therein to cease.

14. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise and apply for the purposes of this and the recited Acts any additional capital, not exceeding in the whole eighty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respec- Power to raise additional capital.

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tively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares or
stock.

15. All shares or stock created or to be created by the Company under the authority of the recited Acts or of this Act shall form part of the general capital of the Company.

Dividends
on new
shares or
stock.

16. Every person who becomes entitled to new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be: Provided always, that the prescribed rate of dividend on any ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum, and the prescribed rate of dividend on any preference shares or stock created under the powers of this Act shall not exceed six pounds per centum per annum.

Power to
borrow on
mortgage.

17. The Company may, in respect of the additional capital of eighty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage as herein-after mentioned such sums as they think fit, not exceeding in the whole twenty thousand pounds; (that is to say,) when ten thousand pounds of the new capital by this Act authorised to be raised has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage any sum of money not exceeding two thousand five hundred pounds, and a like additional sum of two thousand five hundred pounds when every further sum of ten thousand pounds of the said new capital has been issued and accepted and one half thereof is paid up and certified as herein-after mentioned, but no such borrowing powers shall be exercised by the Company until they shall prove to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the capital in shares in respect of which the borrowing powers are in each case sought to be exercised have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that stock for one half of the capital in stock in respect of which borrowing powers are in each case sought to be exercised is fully paid up, and the Company have also proved to such justice

as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

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18. The provisions of the Act of 1869 with respect to the appointment of a receiver shall extend and apply to any moneys borrowed under the powers of this Act.

Appointment of receiver.

19. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, contained to the contrary, it shall not be lawful for the Company to raise the money by this Act authorised to be borrowed on mortgage or bond, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act or any part thereof, unless in either case all dividends upon the shares or stock are limited to an amount not exceeding the rate of five pounds per centum per annum.

Mortgages not to be converted into capital with dividend above five per cent.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages or bonds at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages and bonds.

Debenture stock.

21. All mortgages and bonds 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 thereof, shall, during the continuance of such mortgages and bonds respectively, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages and bonds 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.

Existing mortgages and bonds to have priority.

22. All money raised or to be raised by the Company on mortgage or bond or debenture stock under the provisions of this Act shall have priority against the Company, and the property

Priority of mortgages and bonds over other debts.

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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 Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages, bonds, 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 Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred upon the Company.

Application
of moneys.

23. All moneys which the Company are by this Act authorised to raise by new shares, debenture stock, mortgage, or bond shall be applied only to the purposes of the recited Acts and this Act, or some or one of them.

Saving
rights of the
Crown in the
foreshore.

24. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving
rights of
Crown under
29 & 30 Vict.
c. 62.

25. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Expenses of
Act.

26. All cost, charges, and expenses of and incident and preliminary to the applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.