



CHAPTER lxi.

An Act for extending the limits of supply of the Southend Waterworks Company and for conferring further powers on the Company for the construction of works the raising of capital and otherwise in relation to their undertaking. A.D. 1894.
[3rd July 1894.]

WHEREAS by the Southend Waterworks Act 1879 (in this Act called the Act of 1879) the Southend Waterworks Company (in this Act called the Company) were incorporated for the purpose of making maintaining and continuing waterworks and supplying water within the limits of that Act and for carrying on the business of a waterworks company and for other the purposes of that Act and the limits of that Act for the supply of water comprised the parishes and places of Southend Barling Eastwood Leigh Prittlewell Rochford North Shoebury South Shoebury Shopland Southchurch Sutton Great Wakering and Little Wakering all in the county of Essex except such parts of those parishes or of any of them as were situate in any of the following islands viz. Canvey Havengore New England Great Potton Little Potton Rushley and Wallisea :

And whereas by the Act of 1879 the capital of the Company was declared to be eighty thousand pounds whereof twenty thousand pounds is in that Act called the original capital and sixty thousand pounds is in that Act called the additional capital and the Company were empowered to borrow on mortgage in respect of the original capital of twenty thousand pounds any sums not exceeding in the whole five thousand pounds and in respect of the additional capital of sixty thousand pounds any sums not exceeding in the whole fifteen thousand pounds and the Company were authorised to create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 :

And whereas by the Rochford Rayleigh and Leigh Water Order 1891 made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 and confirmed by the Water

A.D. 1894. Orders Confirmation Act 1891 (in this Act called the Act of 1891) the limits of supply as defined by that Order included a portion of the area within which the Company were by the Act of 1879 authorised to supply water viz. the said parish of Rochford and a portion of the said parish of Leigh and by the Act of 1891 (section 4) so much of the Act of 1879 as authorised the Company to supply water within any parishes or parts of parishes in the county of Essex which were included within the limits of supply as defined by the said Rochford Rayleigh and Leigh Water Order 1891 was repealed and from and after the passing of that Act all the powers of the Company with reference to the supply of water within such parishes or parts of parishes as aforesaid were determined :

And whereas the Company have proceeded to carry the powers of the Act of 1879 into execution and have constructed the works by that Act authorised and raised and expended nearly the whole of their authorised share and loan capital and are now supplying water within the limits of that Act as amended by the Act of 1891 :

And whereas it is expedient that the limits within which the Company are authorised to supply water should be extended so as to include the parish of Thundersley in the county of Essex in this Act called the extended limits :

And whereas the demand for water within the limits of supply of the Company has of late years increased and is still increasing and for the better and more effectually enabling the Company to meet the increasing demand for water within their limits of supply and to carry out the objects and purposes of their undertaking it is expedient that they be empowered to construct the works by this Act authorised and to raise further money for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that such further provisions be made with respect to the Company and their undertaking as are in this Act contained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books 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 Essex and are herein-after respectively referred to as the deposited plans sections and books of reference :

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 :—

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1. This Act may be cited as the Southend Waterworks Act 1894. Short title.
2. The Act of 1879 (as amended by the Act of 1891 and by this Act) and this Act may be cited together as the Southend Waterworks Acts 1879 and 1894. Acts of Company to be read as one Act.
3. The Acts and parts of Act incorporated with the Act of 1879 (so far as applicable and except where expressly varied by this Act) shall be deemed to be incorporated with and form part of this Act. Incorporation of general Acts.
4. In this Act the several words and expressions to which meanings are assigned by the Act of 1879 and by the Acts wholly or partially incorporated therewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
5. The limits within which the Company may supply water and exercise the powers conferred upon them by the Act of 1879 and this Act shall extend to and include the parish of Thundersley in the county of Essex and within and throughout the extended limits the Act of 1879 and this Act shall henceforth be in full force and have effect Provided that if in any part of the extended limits the Company shall not have made adequate provision for the supply of water within seven years from and after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority in any part of the extended limits. Extension of limits of supply.
6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes The works herein-before referred to and by this Act authorised to be made and maintained comprise the following principal works wholly situate in the county of Essex (that is to say) :—
 - (1.) A pumping station (No. 1) with a well or wells shafts drifts standages borings and other works and conveniences connected therewith wholly situate in the said parish of Thundersley ;

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- (2.) A line or lines of pipes (No. 1) situate in the parishes of Thundersley Hadleigh and Eastwood commencing at or in the pumping station (No. 1) and terminating in the parish of Eastwood at or in the pumping station of the Company known as the Oakwood Pumping Station ;
- (3.) A pumping station (No. 2) with a well or wells shafts drifts standages borings and other works and conveniences connected therewith wholly situate in the said parish of Thundersley ;
- (4.) A line or lines of pipes (No. 2) wholly situate in the said parish of Thundersley commencing at or in the pumping station (No. 2) and terminating by a junction with the line or lines of pipes (No. 1) in the public road leading from Thundersley Parish Church to the village of Thundersley ;
- (5.) A pumping station (No. 3) with a well or wells shafts drifts standages borings and other works and conveniences connected therewith wholly situate in the said parish of Eastwood ;
- (6.) A line or lines of pipes (No. 3) wholly situate in the said parish of Eastwood commencing at or in the pumping station (No. 3) and terminating by a junction with the existing main pipe of the Company in the road leading from the town of Rayleigh past the Eastwood Board School to the borough of Southend-on-Sea ;
- (7.) A pumping station (No. 4) with a well or wells shafts drifts standages borings and other works and conveniences connected therewith wholly situate in the said parish of Eastwood ;
- (8.) A line or lines of pipes (No. 4) wholly situate in the said parish of Eastwood commencing at or in the pumping station (No. 4) and terminating by a junction with the existing main pipe of the Company in the said road leading from the town of Rayleigh past the Eastwood Board School to the borough of Southend-on-Sea :

Together with all necessary and convenient pumping engines tanks wells adits channels cuts drifts aqueducts culverts tunnels bores drains sluices overflows waste water channels weirs standpipes water towers banks roads approaches communications buildings conduits pipes machinery appliances telegraphs telephones and other works and conveniences in connection with the works before described or any of them Provided that any telegraphs or telephones constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Deviation.

7. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown

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or described on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in any one place ten feet Provided that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections.

Works to form part of undertaking of Company.

8. The works by this Act authorised shall for all purposes whatsoever form part of the waterworks of the Company.

Power to take waters.

9. The Company may from time to time take raise collect divert impound distribute and use all or any of the underground springs streams and waters which can or may be taken or collected by means of the works by this Act authorised or as may be found in or under any lands for the time being belonging to the Company or in on under or over which they may acquire any easement or interest for that purpose.

Period for compulsory purchase of lands.

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

Power to acquire additional lands by agreement.

11. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act or for the purposes of their undertaking from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole twenty acres or any easement right or privilege (not being an easement right or privilege of water in which any persons other than parties to the agreement have an interest) in or over such additional lands which they may from time to time think requisite Provided that the Company shall not use any such lands so as to cause a nuisance and shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Restriction on taking houses of labouring class.

12.—(1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than

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Period for completion of works.

13. If the works authorised by this Act and shown on the deposited plans 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 to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging deepening increasing the number of altering or renewing any of their engines machinery wells shafts drifts standages or borings mains pipes or other works from time to time as the Company think fit for supplying water within their limits of supply.

Power to take easements &c. by agreement.

14. 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 any persons other than parties to the agreement 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 raise additional capital.

15. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 from time to time raise in addition to the capital which they are authorised to raise by the Act of 1879 any capital not exceeding in the whole for the purposes of this Act and for the general purposes of their undertaking eighty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof 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 to produce including any premium which may be obtained on the sale thereof the sum of eighty thousand pounds.

16. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or 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 the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

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 Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

17. 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.

Dividends on new shares or stock.

18. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Profits of the Company on the additional share capital limited.

19. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issue and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company

New shares or stock to be offered by auction or tender.

A.D. 1894: except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

20. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

21. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Southend-on-Sea and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or stock not sold by auction or by tender to be offered to shareholders.

22. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and if the directors of the Company so think fit less than the nominal value of the shares or stock so offered and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time on failure of any sale or offer.

Application of premium arising on issue of shares or stock.

23. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.