

[61 & 62 VICT.]

*City of Norwich Waterworks
Act, 1898.*

[Ch. cxlviii.]



CHAPTER cxlviii.

An Act to confer further powers on the City of Norwich
Waterworks Company and for other purposes.

A.D. 1898.

[25th July 1898.]

WHEREAS the City of Norwich Waterworks Company (in this Act called "the Company") were incorporated by the City of Norwich Waterworks Act 1850 and further powers were conferred upon the Company by the following Acts (that is to say):—

The City of Norwich Waterworks (Amendment) Act 1853;

City of Norwich Waterworks Act 1859;

The City of Norwich Waterworks Act 1876:

And whereas in view of the increasing population and demand for water within the Company's limits of supply it is expedient that the Company be authorised to construct the works in this Act described:

And whereas for the purposes of the said works and also for the purpose of extending their mains pipes and other works it is expedient to authorise the Company to raise further moneys:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and of the lands which the Company are by this Act authorised to acquire and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Norfolk and with the clerk of the peace for the city and county of the city of Norwich and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

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A.D. 1898. 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:—

Short title. 1. This Act may be cited as the City of Norwich Waterworks Act 1898.

Incorporation of general Acts. 2. The Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863 and Parts II. and III. of the Companies Clauses Act 1863 relating respectively to additional capital and to debenture stock are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of the recited Acts and this Act be read and construed as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from that section.

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

Power to construct works. 4. The Company may subject to the provisions of this Act make and maintain the subsiding tank filter beds service tank and other works herein-after described in the lines and according to the levels shown on the deposited plans and sections and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the purposes aforesaid.

Description of works. 5. The principal works which the Company may subject to the provisions of this Act make and maintain comprise the following:—

(1) A subsiding tank and filter beds to be formed on certain lands adjacent to the Heigham pumping station of the Company:

(2) A service tank to be situate on certain lands adjacent to the existing service tank of the Company at Mousehold.

Power to make subsidiary works. 6. The Company in addition to the foregoing works may upon any lands acquired or to be acquired by them make and maintain all such cuts channels catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges sumps tanks banks walls approaches pipes stand-pipes engines machinery and appliances works and conveniences as may be necessary or convenient in connexion with the before-mentioned works or any or either of them but nothing in

this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. A.D. 1898.

7. In constructing the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards. Power to deviate.

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

9. If the works by this Act authorised 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 thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed. Period for completion of works.

10. The Company may for any of the purposes of their water undertaking purchase by agreement any additional lands not exceeding one hundred acres but the Company shall not create or permit the creation or continuance of any nuisance on any such lands nor shall any buildings be thereon erected except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incident to or connected with their waterworks. Power to take additional land by agreement.

11. The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Power to hold lands for protection of waterworks.

12. Persons empowered by the Lands Clauses Acts or otherwise enabled to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Company in fee either absolutely or in consideration of any yearly or other rent 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 affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are Power to grant easements &c.

A.D. 1898. applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges respectively.

Sale of
superfluous
lands.

13. The Company may subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction
on taking
houses of
labouring
class.

14. The Company shall not under the powers of this Act purchase or acquire in any urban district or in any parish or part of a parish not being within an urban 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:

For the purpose of this section the expression "labouring class" means 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 domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Company
may raise
additional
capital.

15. The Company may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking raise any additional capital not exceeding in the whole sixty 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 partly by one or more of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

As to vesting
of new shares
or stock and
conditions of
issue.

16. The nominal amount of each share created under the authority of this Act shall be ten pounds:

No share or stock created under the authority of this Act shall vest in the person 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. 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 the amount of any premiums after deducting therefrom the expenses of and incident to such issue which may be obtained on the sale thereof the said sum of sixty thousand pounds.

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17. 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 at the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital authorised by this Act which shall have fallen short of the said sum of six pounds per centum per annum.

Limit of
dividend on
new capital.

18. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in 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 reserve price put upon such shares or stock shall not except as hereafter provided be less than the nominal amount thereof and notice of the amount of such reserve 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 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.

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

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Time for
paying up
shares or
stock sold.Notice to be
given as to
sale of shares
or stock.Shares or
stock not
sold by
auction or by
tender to be
offered to
shareholders.Application
of premium
arising on
issue of
shares or
stock.Power to
borrow.

19. 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.

20. 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 city of Norwich 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 Company's limits of supply.

21. 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 the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act but at a lower reserve 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 until the whole of such shares or stock is sold.

22. 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.

23. The Company may subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the

time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up 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 proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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24. The provisions of this Act with respect to the sale by public auction or tender of shares or stock created under the authority of this Act the application of the premiums arising from such sale and other the provisions incidental to such sale shall apply mutatis mutandis to and in relation to the granting of mortgages and issue of debenture stock by the Company under this Act.

Application of auction clauses to mortgages and debenture stock.

25. 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 and 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 five thousand pounds in the whole.

Appointment of receiver.

26. 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.

Existing mortgages to have priority.

27. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 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 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 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

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As to conversion of borrowed money into capital.

28. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act.

Application of sums raised under this and other Acts.

29. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking and the Company may in like manner apply any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes of such Acts being in all cases purposes to which capital is properly applicable.

Costs of Act.

30. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

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