



CHAPTER lxviii.

An Act to enable the Staffordshire Potteries Waterworks Company to construct additional waterworks to extend the time for construction of works to increase the charges of the Company to raise additional capital and for other purposes. A.D.1922
[20th July 1922.]

WHEREAS the Staffordshire Potteries Waterworks Company (in this Act called "the Company") are incorporated and empowered by and under the Acts described in the First Schedule to this Act (in this Act referred to as "the Company's Acts") to maintain certain existing and to construct additional waterworks and to supply water within the limits thereby respectively defined :

And whereas the demand for water within the limits of the Company for the supply of water has increased and is still increasing and for the better and more effectually enabling the Company to meet such demand and to carry out the objects and purposes of their water undertaking it is expedient that power should be conferred upon the Company to construct additional waterworks and that further powers should be conferred on the Company with reference to the purchase or lease of additional lands and the acquisition of water rights and that such other provisions as are in this Act contained should be made with reference to the Company and their water undertaking :

And whereas the rates for the supply of water by the Company for domestic and other purposes were

[Price 2s. Net.]

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prescribed by the Act of 1853 and in pursuance of an Order made under the Statutory Undertakings (Temporary Increase of Charges) Act 1918 the Company are now charging rates sixty per centum in excess of the rates so prescribed for supplies for domestic purposes and an additional charge for other purposes but the revenue without such temporary increase derived therefrom is under post-war conditions inadequate to enable the Company either to pay a reasonable dividend on the capital already subscribed or to raise further capital for construction of such additional works as may be necessary for the supply of water and it is accordingly expedient that such rates should be increased as by this Act provided :

And whereas it is expedient that the time for completion of certain of the works authorised by the Company's Act of 1912 as extended by Orders of the Board of Trade should be extended as provided by this Act :

And whereas a statement of the authorised and paid up share and loan capital of the Company is set forth in the Second Schedule to this Act :

And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys and that such further powers should be conferred upon the Company as provided by this Act :

And whereas plans and sections showing the lines situations and levels of the new works authorised by this Act and the lands to be acquired under this Act with a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Stafford and are hereinafter respectively referred to as the deposited plans sections and book 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 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 :—

Short title.

1. This Act may be cited as the *Staffordshire Potteries Waterworks Act 1922.*

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2. This Act and the Acts described in the First Schedule to this Act as altered and amended by this Act may be cited together as the Staffordshire Potteries Waterworks Acts 1853 to 1922.

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Citation of Acts.

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

Incorporation of Acts.

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 Ministry of Health on the application of either party.

The Waterworks Clauses Acts 1847 and 1863 subject as respects the former of these Acts to the exception in section 4 of the Company's Act of 1853 contained and to the omission in section 44 of the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner."

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (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 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 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

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The provision to be made for affording access to the special Act by all parties interested :
Part I. (relating to cancellation and surrender of shares);

Part II. (relating to additional capital); and

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

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway and in such provisions for the purposes of this Act "the railway" means the roadway 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 so much of any line or lines of pipes as aforesaid.

Interpreta-
tion.

4. 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;

The expressions "the waterworks" and "the water undertaking" mean all works of the Company authorised by the Acts described in the First Schedule to this Act and all the works by this Act authorised and the undertaking connected therewith respectively;

The expression "the new works" means the new works by this Act authorised and shown on the deposited plans and sections.

Power to
make new
works.

5. Subject to the provisions of this Act the Company may make and maintain in the county of Stafford the following new works in the situations and according to the lines and levels shown on the deposited plans and sections (that is to say)—

Work No. 1 An aqueduct line or lines of pipes commencing from or out of the Company's existing Hanchurch Reservoir in the parish of Swynnerton and terminating in Nelson Place Newcastle-under-

Lyme in the parish of Newcastle-under-Lyme which said aqueduct line or lines of pipes will be made to pass from in through or into the parishes of Swynnerton Trentham Clayton and Newcastle-under-Lyme all in the county of Stafford; A.D. 1922.

Work No. 2 A roadway commencing from or out of the Company's existing Stockton Brook pumping station and terminating in the public road from Milton to Endon at a point 387 yards or thereabouts in a south-westerly direction from the wall of the booking-office of the Stockton Brook Railway Station which said intended roadway is wholly situate in the parish of Norton-in-the-Moors in the county of Stafford;

Work No. 3 An aqueduct line or lines of pipes commencing from or out of the Company's existing Stockton Brook pumping station and terminating in the public road from Milton to Endon at a point 387 yards or thereabouts in a south-westerly direction from the wall of the booking-office of the Stockton Brook Railway Station which said intended line or lines of pipes is wholly situate in the parish of Norton-in-the-Moors in the county of Stafford.

In addition to the foregoing works the Company may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

6. The time limited by the Staffordshire Potteries Waterworks Act 1912 for the construction of the following works namely The service reservoir (Work No. 3) and the aqueduct (Work No. 9) as extended by Orders of the Board of Trade is hereby further extended until the seventh day of August one thousand nine hundred and

Extension of time for construction of certain works authorised

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twenty-nine and the said Act shall be read and have effect as if the said time as so extended and further extended had been the time limited by the said Act for the construction of the said works.

Limits of
deviation.

7. In the construction of the new works the Company may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the roadway three feet upwards and five feet downwards and in the case of aqueducts to any extent upwards or downwards :

Provided that no part of the aqueduct shall be raised above the surface of the ground except for the purpose of crossing over a stream or except so far as is shown on the deposited sections.

Alteration
and recon-
struction of
bridge over
the Trent
and Mersey
Canal.

8. The Company may for the purpose of constructing the roadway (Work No. 2) by this Act authorised alter remove and reconstruct the existing bridge over the Trent and Mersey Canal shown on the deposited plans and during such reconstruction shall provide a temporary crossing over the said canal for the purposes of the public footpath so far as the same may be interfered with by the Company.

Diversion
of footpath.

9. The Company may divert the public footpath as shown on the deposited plans (Work No. 2) in the parish of Norton-in-the-Moors and subject to the provisions of this Act may stop up and may cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary when the footpath is diverted on to the roadway (Work No. 2).

Period for
completion
of works.

10. If the new works authorised by this Act be not completed within seven 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 otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from renewing extending enlarging altering reconstructing or removing any of their engines machinery mains pipes

works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite. A.D. 1922.

11. The Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for the purposes of or in connection with the new works or for the maintenance and use of any such works. Power to acquire lands for works.

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

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not 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. 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 Persons under disability may grant easements &c.

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Period for compulsory purchase of lands.

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

Additional lands by agreement.

15. In addition to the lands now held or occupied by them and any other lands which they may acquire or hold under the powers of any former Act or of this Act the Company may from time to time by agreement purchase or acquire and hold for the purposes of their undertaking any land or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty acres Provided that the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking.

Limiting powers of Company to abstract water.

16. 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 or referred to in this or some other Act of Parliament.

Discharge of waters into stream &c.

17.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir conduit or line of pipes or other works of the Company or should there be an overflow from any reservoir of the Company the Company may cause the water in any such work to be discharged in any available ditch stream or watercourse.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation

to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889. A.D. 1922.

18. Section 23 of the Act of 1853 shall be amended by including within the limits for the supply of water by the Company the county borough of Stoke-on-Trent as extended and constituted on the first day of April one thousand nine hundred and twenty-two. Extension of limits of supply.

19. Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and construed as if the words "one-seventh part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively. Application of section 35 of Waterworks Clauses Act 1847.

20. The Company may from time to time raise additional capital to such an amount as shall be sufficient to produce after taking into account premiums or discount (if any) which may be obtained or allowed respectively on the issue thereof the sum of fifty-four thousand pounds by the creation and issue of new ordinary or preference shares or stock or wholly or partially by one or more of those modes. Provided that the Company shall not under the powers of this section issue any share of less nominal value than ten pounds. Power to issue additional capital.

21. Section 23 of the Company's Act of 1912 limiting the amount of the reserved or contingent fund is hereby repealed and in lieu thereof forty thousand pounds shall be the amount of the prescribed sum as provided for in the seventy-sixth section of the Waterworks Clauses Act 1847. Amount of reserve fund.

22. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise and which is not made applicable by any Act for any particular purpose or if so made applicable is not required for that purpose. Application of authorised capital.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. As to voting in respect of preference capital.

24. Subject to the provisions of this Act the additional capital created by the Company under this Act and the new shares or stock therein and the holders Incidents of additional capital.

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Dividends on new shares and stock:

25. Subject to the provisions of this Act 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.

Limit of dividend on additional capital.

26. The Company shall not out of the profits of their undertaking in respect of any one year make 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 or six 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 may be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum.

Payment of dividends.

27. The additional ordinary capital hereby created shall rank equally with the existing ordinary capital for payment of dividends up to seven pounds per centum per annum but without prejudice to the right of the existing capital to receive payment up to its maximum dividend out of excess profits.

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

28.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or 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 clerk of the district council of

any district wholly or partly included in the limits of water supply and to the secretary of the London Stock Exchange at least fourteen 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 said 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 receipt of tenders as the case may be;
- (c) No lot offered for sale shall comprise shares or 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 six months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or 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 shares or stock that if the aggregate amount of shares or 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.

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(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are 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 shares or 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 shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock.

Power to borrow.

29. The Company in addition to the sums which they are authorised to borrow by the Companies Acts 1853 to 1912 may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half part of the amount of the capital by this Act authorised to be raised which at the time of borrowing has been raised by the Company but no sum shall be borrowed until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up.

Borrowing in respect of authorised capital.

30. The provisions of the Staffordshire Potteries Waterworks Acts 1853 to 1912 relating to the borrowing of moneys on mortgage of the undertaking of the Company or by the creation and issue of debenture stock shall be read and construed as if the Company were by those Acts authorised to borrow on mortgage of the undertaking or to raise by creation and issue of debenture stock one-half part of the amount of the preference and ordinary capital which at the time of borrowing has been raised under the powers of those Acts and the provisions of section 18 of the Act of 1853 section 27 of the Act of 1888 and section 44 of the Act of 1912 shall extend and apply accordingly.

31. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 in the whole than ten thousand pounds.

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As to
appoint-
ment of a
receiver.

32. 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 or in the Companies Acts contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Companies Acts or any of them and this and any subsequent Act shall rank *pari passu* 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.

33. All money raised or 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 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 or debenture stock.

Priority of
mortgages
over other
debts.

34. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or 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.

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Issue of
redeemable
preference
capital and
debenture
stock.

35.—(1) The Company may create and issue all or any debenture stock which they are by this Act or the Company's Acts of 1888 or 1912 authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(a) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and

(b) Redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section. Provided that the creation and re-issue for the purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create save so far as such creation and issue is for the purpose of paying off stock created and issued under the provisions of this section or of providing stock substituted for the same thereunder.

(3) The Company shall not redeem out of revenue any debenture stock created under this section.

Repeal of
Increase of
Charges
Order.

36. The Staffordshire Potteries Waterworks (Temporary Increase of Charges) Order 1919 and the notice of increase issued thereunder dated twenty-third September one thousand nine hundred and twenty are hereby repealed as from the twenty-ninth day of September one thousand nine hundred and twenty-two.

Repeal of
section 46
of Act of
1853.

37. Section 46 of the Staffordshire Potteries Waterworks Consolidation and Extension Act 1853 is hereby repealed.

Rates for
supply for

38. Section 45 of the Staffordshire Potteries Waterworks Consolidation and Extension Act 1853 is hereby

repealed and shall be deemed to have been repealed as from the twenty-ninth day of September one thousand nine hundred and twenty-two and in lieu thereof the following provisions shall have and be deemed as from the said date to have had effect viz. :—

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—
domestic
purposes.

- (a) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the existing Acts as amended by this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding ten per centum of the rateable value of the premises so supplied Provided that the Company shall not be required to supply any premises with water for a less sum than three pence per week Provided also that if and so long as the Company shall not be liable to pay corporations profits tax or any other tax on profits payable in substitution thereof the said rate of ten per centum per annum shall be reduced to nine and a half per centum per annum :
- (b) The rateable value of any such premises as aforesaid shall be ascertained by the valuation lists in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided always that where the water rate is chargeable on the rateable value of a part only of any hereditament entered into the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction :
- (c) In addition to the foregoing charges the Company may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty

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gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit and such additional sum or sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate :

- (d) Provided that the Company shall not be compelled to supply any watercloset or bath or the apparatus or pipes connected therewith unless the same shall be so constructed and used as to prevent the waste and undue consumption of water and the return of foul air and other noisome or impure matter into the mains or other pipes belonging to or connected with the mains or pipes of the Company.

Rates for supply by meter.

39. The Company may for water supplied by meter as from twenty-ninth September one thousand nine hundred and twenty-two make a charge not exceeding two shillings and sixpence per thousand gallons Provided that the charge for any supply by meter shall not be less than twenty shillings per quarter exclusive of meter rent Provided also that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

As to back dividends.

40. The Company shall not make any payment on account of dividends in arrear prior to the first day of January one thousand nine hundred and fourteen and shall not apply in the payment of dividends in arrear after that date any moneys other than moneys forming part of the revenues of the Company in any year in which the rate charged for the supply of water for domestic purposes does not exceed eight per centum per annum upon the rateable value of the premises supplied.

Revision of rates.

41. In the event of the Minister of Health being satisfied that the cost of labour and materials or other circumstance affecting the undertaking be substantially altered he may if he thinks fit on the application of the Company or of a local authority having jurisdiction within the limits of supply made at any time after the expiration of three years from the passing of this Act by order

vary either by way of increase or decrease the rates and charges for the supply of water authorised by this Act: A.D. 1922.

Provided that the rates and charges prescribed in any such order shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and provision for reserve funds and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Company:

Provided also that the rates and charges for the time being in force may in the like event be varied in like manner at any time after but not earlier than the expiration of any or every period of three years after they were last altered.

42. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Company may retain hold and use for such time as they may think fit and may from time to time sell lease or otherwise dispose of land in such manner and for such consideration and on such terms and conditions as they think fit Provided always that in respect of any sale of lands acquired by the Company otherwise than by private agreement the provisions of sections 128 to 132 inclusive of the said Act shall apply. Company may retain land.

43. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election. Directors.

44. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary. Determination of remuneration of secretary.

45.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependent of any such employee. Power to grant pensions &c.

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(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependent as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the funds and revenues of the Company.

(3) In this section the word "employee" includes any officer or servant.

Application
of Water-
works
Clauses Act
1847 to
pipes
telephones
&c.

46. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of their undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Company under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 :

Provided also that the provisions of section 44 of the Company's Act of 1888 shall apply as if that section were re-enacted in this Act with reference to the works authorised by this section.

As to com-
munication
pipes.

47.—(1) Any person supplied with water by the Company shall maintain the pipes and the apparatus by which such supply is given in repair so that the water supplied to him by the Company may not be wasted For the purpose of complying with the obligation to maintain the pipes and apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the limits of supply

execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable as a civil debt summarily in any court of competent jurisdiction. A.D. 1922.

48. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus and stopcocks on or in any mains or pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act. Detection of waste.

49. The following provisions for the protection of the county council of Stafford (in this section referred to as "the county council") shall unless otherwise agreed in writing between the county council and the Company apply and have effect as regards only the works carried out by the Company under the provisions of this Act. For protection of the county council of Stafford.

- (1) All mains pipes or other works to be laid or constructed in along or across any main road bridge or approach shall so far as practicable be laid in such position as the surveyor of the county council (in this section referred to as "the county surveyor") shall by writing under his hand direct and in accordance with plans and sections to be approved by him in writing before the commencement of the work All such plans sections and descriptions shall except in case of emergency be delivered to the said surveyor not less than seven days before the Company commence any of such works The plans shall as respects any bridge be on a scale of not less than four feet to an inch and as respects a main road on a scale of not less

A.D. 1922.

than 1/2500 and the sections shall be to suitable scale to clearly show the proposed works Provided that if the said surveyor shall not within seven days after same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Company may forthwith proceed to execute the works specified and further that if he shall express his disapproval thereof the matters in difference shall be settled by arbitration as hereinafter provided:

- (2) All mains pipes or other works shall so far as practicable be constructed and laid in such position at the side or where necessary under the metalled portion of the road as the county council shall under the hand of their surveyor direct:
- (3) All works shall be executed so as not to stop nor more than is reasonably necessary for the purpose to impede or interfere with the traffic over or along any such road bridge or approach and the Company shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length of any such road than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of one hundred yards between consecutive openings or breakings up unless with the like consent:
- (4) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Company through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance:
- (5) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the county surveyor which consent shall not be unreasonably withheld:

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(6) If any road bridge culvert drain pipe or other property repairable by the county council is broken up or damaged by the Company for the purpose of constructing laying renewing or repairing any works by this Act authorised the Company shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the county surveyor and if the same is not so repaired the county surveyor may cause the necessary repairs to be done and may charge the cost against the Company and the same shall be a debt due from the Company to the county council :

(7) The Company shall to the reasonable satisfaction of the county surveyor keep the portion of all roads repairable by the county council which shall be broken up by the Company for the purpose of constructing laying renewing or repairing any works by this Act authorised in good repair for twelve months after replacing and making good the same and if at any time during the said period the Company shall neglect to keep any such portion of road in good repair the county surveyor on giving seven days previous notice in writing to the Company may carry out any necessary repairs and the county council shall be entitled to recover the costs thereof from the Company :

(8) The Company shall at the expense of the county council provide fix and maintain hydrants in such places on any main road as aforesaid along or across which any mains or pipes (not being a pumping main) shall be constructed or laid as shall be reasonably required by the county council for the purpose of watering or repairing any main road and the county council shall pay to the Company for water required and taken from such mains of the Company at the current rates and charges within the district The county council shall adopt such means for the purpose of measuring the water taken and make such returns to the Company thereof as the Company may from time to time reasonably require :

[Ch. lxviii.] *Staffordshire Potteries* [12 & 13 GEO. 5.]
Waterworks Act, 1922.

A.D. 1922.

(9) If any difference shall arise between the county council and the Company touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration as aforesaid.

Saving
rights of
Duchy of
Lancaster.

50. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said Duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

For protec-
tion of
North
Stafford-
shire
Railway
Company.

51. For the protection of the North Staffordshire Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company apply and have effect (that is to say):—

(1) In laying down repairing maintaining and removing any aqueduct conduit main or line of pipes or executing any other works by this Act authorised upon across over under or affecting the railway or works of the railway company or any bridge over the Trent and Mersey Canal or any branch thereof or the approaches to any such bridge which the railway company are liable to maintain or within the boundary of the railway company's property the same shall be done under the supervision and to the satisfaction so far as the railway and railway works are concerned of the chief engineer of the railway company and so far as the Trent and Mersey Canal and any branches thereof are con-

A.D. 1922.

cerned of the canal engineer and according to plans sections and specifications and at such times as shall be previously submitted to and approved in writing by them respectively and shall be executed and maintained by and at the expense in all things of the Company and so as not to cause any injury to the said railway and works canal or any such bridge or the approaches thereto as aforesaid or within the said boundary and shall within such boundary so execute such works as having regard to the level of the railway or canal shall not interfere with or impede any improvement or widening of such railway canal or bridge or the introduction of side openings to such bridge Provided that if the said railway or canal engineer as the case may be does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same have been submitted to him he shall be deemed to have disapproved thereof:

- (2) If any injury or damage to the railway works canal or property of the railway company or their servants or the public using their railway or canal or any interruption of the traffic on such railway or canal shall be occasioned by the Company or their contractors or any person or persons in the employ of the Company or their contractors or arise from the bursting subsidence leakage or want of repair of any such aqueduct conduit main line of pipes or other works the Company shall forthwith make full compensation to the railway company in respect thereof:
- (3) Nothing in this Act contained shall be deemed to authorise the Company to acquire any lands belonging to the railway company or held by them in connection with their railways or canals but (subject to the approval as aforesaid of one of the said engineers of the said plans sections and specifications) the Company may acquire and the railway company shall grant an easement only under or over the lands of the railway company upon payment of compensation there-

A.D. 1922.

for such compensation in default of agreement to be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement. The easement over the Lyme Brook in Work No. 1 shall include power for the Company to construct and maintain a wall at the side of the brook :

- (4) The railway company shall not be liable for any injury or damage that may be caused to any aqueduct conduit main or line of pipes of the Company situate in or under any of the lands of the railway company caused by or attributable to the working of traffic on the railways of the railway company or otherwise howsoever :
- (5) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the bridge over the Caldon Branch of the Trent and Mersey Canal referred to in the section of this Act of which the marginal note is "Alteration and reconstruction of bridge over the Trent and Mersey Canal" shall be constructed and maintained by the Company so as to provide at all times a clear headway of not less than nine feet between the existing weir level of the water in the said canal and the underside of the girders of the bridge and with a clear space between the abutments of the said bridge of not less than nineteen feet three inches and so as to increase the existing width of the towing path by three feet.
- (6) If at any time hereafter the railway company shall rebuild or alter all the existing bridges across the said Caldon Branch Canal so as to provide in each case a clear headway above water level of not less than ten feet the Company shall within three calendar months after receipt of notice under the hand of the canal engineer of the railway company so alter or rebuild the bridge referred to in the preceding subsection of this section as to provide a clear headway of not less than ten feet and in the event of the Company failing within the said period of three

months to so rebuild or alter the said bridge the railway company may themselves carry out such works and the expenses thereof as certified by the canal engineer of the railway company shall be repaid to them by the Company:

- (7) Notwithstanding anything contained in this Act in constructing the roadway being Work No. 2 the Company shall not deviate from the levels shown on the deposited sections so as to give a less clear headway than nine feet between the surface of the said roadway and the centre of the arch of the bridge carrying the railway company's branch railway over the said roadway and shall so maintain the said Work No. 2 as to preserve at all times a clear headway of nine feet as aforesaid:
- (8) The said aqueduct conduit main or line of pipes and other works hereinbefore in this section referred to shall be at all times maintained in good repair by the Company to the reasonable satisfaction of the engineer of the railway company and in default of such maintenance the railway company may from time to time by notice in writing signed by their engineer and delivered at the principal office of the Company require the Company to put the same into good repair forthwith and if the Company for seven days after receipt of such notice refuse or neglect to repair the same the railway company may without further notice carry out such repairs and all expenses properly incurred by them in or about such repairs shall be repaid to them by the Company. Provided that in case of accident happening or immediate danger being apprehended to the said railway or canal or any bridge over such canal or the approaches thereto or other works of the railway company by reason of the said aqueduct conduit main or line of pipes or works as aforesaid being in want of repair the railway company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Company:

A.D. 1922.

- (9) The Company shall bear and on demand pay to the railway company all reasonable costs and charges of the superintendence by them of the construction of the works and repairs thereof and all costs of watching lighting and protection of the said railway and canal with reference to and during such construction and repairs but such superintendence by the railway company shall not relieve the Company from liability from any accident which may be occasioned by or through the operations of the Company or their contractors agents or workmen :
- (10) The railway company may at any time or times hereafter upon giving to the Company fourteen days' notice thereof in writing signed by their said engineer and delivered at the principal office of the Company require them at their own cost to divert or alter the level of any aqueduct conduit main or line of pipes or other subsidiary work within the boundary of the railway company's property or carried over the same by means of a bridge when in the opinion of the railway or canal engineers of the railway company (the opinion of the engineer nevertheless being subject to arbitration as hereinafter provided) such diversion or alteration is necessary for the purpose of carrying out any alterations or extensions for the railway or works or canal or of raising or rebuilding any bridge over such railway or canal should the Company fail to comply with any such notice within the prescribed time or within seven days thereafter the railway company may themselves carry out the work without being liable to pay any compensation in respect thereof and the proper cost of carrying out such diversion or alteration of the level of any such aqueduct main or line of pipes as certified by the said engineer shall be borne and on demand paid by the Company :
- (11) Any difference which may arise between the railway company and the Company touching any of the matters referred to in this section shall unless otherwise provided be decided by a single arbitrator to be appointed on the application of either party or in the case of

difference by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to any such arbitration.

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52. Notwithstanding anything contained in the Company's Acts or this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme (in this section referred to as "the local authority") shall unless otherwise agreed in writing between the Company and the local authority apply and have effect in relation to the undertaking of the Company and the exercise by the Company after the passing of this Act of any of the powers of this Act within the borough of Newcastle-under-Lyme (that is to say):—

For protection of Newcastle-under-Lyme Corporation.

The provisions of subsections (1) to (7) and (9) of the section of this Act of which the marginal note is "For protection of the county council of Stafford" shall apply and have effect for the protection of the local authority with any necessary modifications including the following:

As if the local authority were referred to therein instead of the county council of Stafford;

As if the surveyor to the local authority were referred to therein instead of the surveyor of the county council;

As if roads bridges or approaches belonging to or repairable by the local authority were referred to therein instead of main roads bridges and approaches.

53. For the protection of the light railways and tramways leased to worked or run over by the Potteries Electric Traction Company Limited and the North Staffordshire Tramway Company Limited or either of them their successors and assigns (in this section referred to as "the traction company" which expression shall mean either or both of the two companies as the context requires) the following provisions shall have effect in reference to the works described in or authorised by the sections of this Act of which the marginal notes are

For protection of Potteries Electric Traction Company Limited and North Staffordshire Tramway Company Limited.

[Ch. lxviii.] *Staffordshire Potteries* [12 & 13 GEO. 5.]
Waterworks Act, 1922.

A.D. 1922. "Power to make new works" and "Application of
Waterworks Clauses Act 1847 to pipes telephones &c."

- (1) Where the Company require to dig or sink any trench or make or maintain any aqueducts cuts channels tunnels pipes and appliances or to construct lay down or erect any discharge pipes telephone or telegraph posts wires conductors or apparatus across or under or within two feet of any light railway or tramway or posts or cables of or road repairable by the traction company (hereinafter referred to as "the property of the traction company") the Company shall unless otherwise agreed between them and the traction company or in case of sudden emergency give to the traction company not less than three days before commencing to dig or sink make or construct any of the aforesaid works notice with full particulars of such works and a plan and the traction company shall be entitled to superintend the work and the Company shall conform to such reasonable requirements as may be made by the traction company for protecting such tramways and light railways and any part of the road maintained or repaired by the traction company from injury or subsidence:
- (2) Any interference with or any alteration of the property of the traction company which may be reasonably necessary in consequence of the execution of the said works shall if the traction company so desire be carried out by the traction company under the supervision (if given) and in accordance with the reasonable directions of the Company and the reasonable expense incurred by the traction company in so doing shall be repaid to them by the Company.
- (3) The Company shall as far as practicable dig or sink make or construct the aforesaid works so as not to injuriously affect the property of the traction company and in the event of any injury being thereby occasioned to the property of the traction company the traction company may at the expense of the Company restore such part of the property of the traction company

which may be injured to as good a state and condition as it was in before such injury was occasioned and the Company shall recoup to and indemnify the traction company against all sums costs and expenses which they may pay or be put to in restoring such property in manner aforesaid (in case of default by the Company) and the traction company may recover from the Company all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt. The Company shall be under and subject to the same liability and restrictions as regards any work executed by them from time to time in maintaining any of the aforesaid works:

A.D. 1922.

- (4) Any difference arising between the traction company and the Company under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Electrical Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and arbitration.

54. 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 charged against revenue.

Costs of Act.

[Ch. lxxviii.] *Staffordshire Potteries* [12 & 13 GEO. 5.]
Waterworks Act, 1922.

A.D. 1922. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Session and Chapter.	Short Title.
16 & 17 Vict. c. cxviii.	The Staffordshire Potteries Waterworks Consolidation and Extension Act 1853.
24 & 25 Vict. c. cxlvi.	The Staffordshire Potteries Waterworks Amendment Act 1861.
31 & 32 Vict. c. cxxxi.	The Staffordshire Potteries Waterworks Act 1868.
51 & 52 Vict. c. clvii.	The Staffordshire Potteries Waterworks Act 1888.
2 & 3 Geo. V. c. lxxv.	The Staffordshire Potteries Waterworks Act 1912.

THE SECOND SCHEDULE.

STATEMENT OF THE CAPITAL OF THE COMPANY.

Act authorising Capital.	Amount authorised.	Description of Capital and Amount issued.	Amount paid up.
The Company's Act of 1853.	£ 105,000	Share capital consisting of 105,000 <i>l.</i> ordinary stock.	Fully paid up.
The Company's Act of 1861.	35,000	Share capital consisting of 35,000 <i>l.</i> ordinary stock.	Fully paid up.
The Company's Act of 1868.	105,000	Share capital consisting of 105,000 <i>l.</i> ordinary stock.	Fully paid up.
The Company's Act of 1888.	180,000 including premiums.	Share capital consisting of 112,480 <i>l.</i> 3 <i>s.</i> 0 <i>d.</i> ordinary stock. 67,519 <i>l.</i> 17 <i>s.</i> 0 <i>d.</i> premiums.	Fully paid up.
The Company's Act of 1912.	180,000 including premiums.	Share capital consisting of 23,080 <i>l.</i> 17 <i>s.</i> 0 <i>d.</i> ordinary stock.	Fully paid up.

[12 & 13 GEO. 5.] *Staffordshire Potteries* [Ch. lxviii.]
Waterworks Act, 1922.

STATEMENT OF LOAN CAPITAL.

A.D. 1922.

Act.	Capital in respect of which borrowing powers exerciseable.	Amount authorised to be borrowed.	Amount raised.
The Company's Act of 1853.	Share capital - £ 105,000	£ 30,000	—
The Company's Act of 1861.	Share capital - 35,000	8,750	—
	140,000	38,750	
The Company's Act of 1868.	— 105,000	26,250	
	245,000 .	65,000	65,000 4 per cent. deb. stock.
The Company's Act of 1888.	— 180,000	60,000	56,450 3½ per cent. deb. stock. 1,903 premiums.
			58,353
The Company's Act of 1912.	— 180,000	60,000	—

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