## CHAPTER lv.

An Act to authorise the Barnet District Gas and Water Company to construct new waterworks and to raise additional capital to adjust the boundaries of the Company's water limits to make better provision with respect to the repair and maintenance of pipes for the supply of water within the water limits to extend the Company's gas limits and for other purposes. A.D. 1937.

[1st July 1937.]

WHEREAS by the Barnet District Gas and Water Acts and Orders 1872 to 1928 the Barnet District Gas and Water Company (hereinafter called "the Company") are incorporated and authorised to construct gasworks and waterworks and to supply gas and water within the respective limits defined in those Acts and Orders:

And whereas by the Barnet District Gas and Water Act 1926 the then existing stocks of the Company (other than debenture stock) were partly converted and were consolidated and amalgamated into one class of ordinary stock of the aggregate amount of £522,655: 16 & 17 Geo. 5. c. cxi.

And whereas by the same Act of 1926 the Company are authorised for the purposes of their gas and water undertakings to raise by the creation and issue of ordinary stock and preference stock or either of such classes of

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stock the aggregate amount of £175,000 (including £35,000 which the Company had been previously authorised to raise for the purposes of their water undertaking alone) and in pursuance of that power the Company have raised £155,122 (including £18,887 received as premiums) by the creation and issue of—

£36,235 ordinary stock; and

£100,000 4½% preference stock:

And whereas by the same Act of 1926 the Company are authorised to borrow on mortgage of their undertaking or to raise by the creation and issue of debenture stock the aggregate amount of £349,000 and in pursuance of that power the Company have raised £271,100 by the creation and issue of—

£98,600 4% debenture stock; and

£172,500 5% debenture stock:

And whereas the demands for supplies of gas and water within the Company's limits for the supply of gas and water respectively have increased and are increasing and in order to enable the Company to meet those demands it is expedient to empower them to raise additional share and loan capital as by this Act provided:

And whereas by section 22 of the said Act of 1926 the Company's limits for the supply of water were extended to include (inter alia) the parish of Essendon in the rural district of Hatfield but it was enacted that the Company should not exercise any of the powers of that section or be under any obligation to supply water within so much of that parish as is within the distance of one mile from the Essendon pumping station of the Hatfield Rural District Council unless and until the Company had obtained the written consent of the council:

And whereas at the request of the council the Company are now supplying water within the said portion of the parish of Essendon and have acquired certain of the waterworks of the council and it is expedient in order to enable the Company to meet the demands for water in that portion of the said parish and certain adjoining parts of the Company's limits for the supply of water that the Company be authorised to construct the waterworks in this Act mentioned:

And whereas it is expedient to adjust the boundaries of the Company's limits for the supply of water in consequence of alterations made by certain county review orders in the local government areas within those limits:

And whereas the Company have suspended their authorised charges in respect of baths and waterclosets in houses supplied by them with water for domestic purposes (other than baths capable of containing more than fifty gallons) and are willing that their authorised charges in respect of such baths and waterclosets be repealed and that the maximum rates and charges which they may demand for water supplied by them for domestic and other purposes be reduced or altered as by this Act provided and it is expedient that the provisions of this Act with respect to the rates and charges leviable by the Company for the supply of water be enacted:

And whereas it is expedient that on the first day of January nineteen hundred and thirty-eight all then existing communication pipes and apparatus for obtaining a supply of water from the service mains of the Company shall to the extent mentioned in this Act be transferred to the Company and that as from that date the Company shall be exclusively entitled to provide and lay (at the expense of the consumer) to the extent mentioned in this Act any further communication pipes and apparatus for the purposes of supplies of water from their service mains and the communication pipes and apparatus for the purposes of such supplies of water shall to the extent mentioned in this Act be maintained repaired and renewed by the Company exclusively at their own expense:

And whereas it is expedient to extend the Company's limits for the supply of gas as by this Act provided:

And whereas it is expedient that further powers be conferred on the Company and further provisions be made with reference to their water undertaking and their gas undertaking respectively as in this Act contained and that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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And whereas a plan showing the situation or line of the works authorised by this Act and the lands in which they will be situate and a section showing the level of the adit included in those works have been deposited with the clerk of the county council of the administrative county of Hertford:

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:—

## Part I.

## Preliminary.

Short and collective titles.

**1.**—(1) This Act may be cited as the Barnet District Gas and Water Act 1937.

(2) The Barnet District Gas and Water Acts and Orders 1872 to 1928 and this Act may together be cited as the Barnet District Gas and Water Acts and Orders 1872 to 1937.

Act divided into Parts.

**2.** This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Waterworks and lands.

Part III.—Provisions relating to water undertaking.

Part IV.—Water communication pipes rates and charges.

Part V.—Provisions relating to gas undertaking.

Part VI.—Financial and administrative.

Part VII.—Miscellaneous.

Incorporation of Acts.

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

8 & 9 Vict. c. 16.

The Companies Clauses Consolidation Act 1845 (except the provisions with respect to the

conversion of borrowed money into capital) as amended by subsequent Acts;

The Companies Clauses Act 1863 (except Part IV) as amended by subsequent Acts; 26 & 27 Vict. c. 118.

The Lands Clauses Acts except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the promoters of the undertaking;

The Waterworks Clauses Act 1847 except sections 75 to 79 and except the words "with the "consent in writing of the owner or reputed "owner of any such house or of the agent of "such owner" in section 44 Provided that section 35 in its application to the Company shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part"; 10 & 11 Vict. c. 17.

The Waterworks Clauses Act 1863; 26 & 27 Vict. c. 93.

The Gasworks Clauses Act 1847 (except sections 30 to 34) as amended by subsequent Acts; 10 & 11 Vict. c. 15.

The Gasworks Clauses Act 1871 (except sections 7 8 12 and 28 to 34) as amended by subsequent Acts. 34 & 35 Vict. c. 41.

**4.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And unless the context otherwise requires— Interpretation.

"the Company" means the Barnet District Gas and Water Company;

"the Act of 1872" "the Act of 1883" "the Act of 1887" "the Act of 1904" "the Act of 1926" and "the Act of 1928" respectively mean the Barnet District Gas and Water Acts of those respective years; 35 & 36 Vict. c. clxxxix. 46 & 47 Vict. c. cc. 50 & 51 Vict. Sess. 2 c. ii. 4 Edw. 7. c. cc. 16 & 17 Geo. 5. c. cxi. 18 & 19 Geo. 5. c. iv.

"the existing Acts" means the Act of 1872 the Act of 1883 the Act of 1887 the Act of 1904 the Act of 1926 and the Act of 1928 as amended by the Barnet District Gas (Charges) Order 1922 (S.R. & O. 1922 No. 421) and also until

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PART I. —*cont.*

the first day of January nineteen hundred and thirty-eight as amended by the Barnet District Gas and Water Company (Modification of Charges) Order 1922 (S.R. & O. 1922 No. 671);

"the gas limits" and "the water limits" respectively mean the limits within which the Company are for the time being authorised to supply gas and water;

"the gas undertaking" and "the water undertaking" respectively mean the gas undertaking and the water undertaking of the Company as for the time being authorised;

"the undertaking" includes the gas undertaking and the water undertaking and when construing the provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 or the Waterworks Clauses Acts 1847 and 1863 means the gas undertaking or the water undertaking (as the case may be);

"the new waterworks" means the works authorised by subsection (1) of section 5 (Power to make waterworks) of this Act;

"the Essendon pumping station" means the pumping station authorised by the said subsection (1);

"the Minister" means the Minister of Health.

## PART II.

### WATERWORKS AND LANDS.

Power to make waterworks.

**5.**—(1) Subject to the provisions of this Act the Company may in the parish of Essendon in the rural district of Hatfield in the county of Hertford and in the lines or situations and in under or upon the lands delineated on the deposited plan and as regards the adit hereinafter described according to the level shown on the deposited section make and maintain—

(*a*) A well and pumping station in the enclosure numbered 33 in the said parish of Essendon on the Ordnance map (scale 1/2500) edition of 1923 Hertfordshire sheet number XXXVI.1;

(*b*) An adit commencing in the said pumping station and terminating under the enclosure numbered 48 in the said parish on the same sheet of the same Ordnance map at a distance of one hundred and sixty-six yards or thereabouts southwards from that pumping station.

(2) In addition to the new waterworks the Company may in under or upon the lands delineated upon the deposited plan and included within the limits of deviation of the new waterworks shown on that plan make and maintain such wells shafts adits borings and headings and all such other buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new waterworks or any of them but nothing in this subsection shall exonerate the Company from any action indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

Power to deviate.

**6.**—(1) In the construction of the new waterworks the Company may deviate laterally to any extent within the limits of deviation thereof shown on the deposited plan Provided that the Essendon pumping station shall not be constructed otherwise than in the enclosure numbered 33 referred to in subsection (1) of the last preceding section.

(2) In the construction of the adit authorised by the last preceding section the Company may also deviate vertically from the level thereof shown on the deposited section downwards to any extent and upwards to any extent not higher than the level of one hundred feet below the surface of the ground.

Period for completion of works.

**7.** If the Essendon pumping station is not completed within the period of five years from the passing of this Act then on the expiry of that period the powers by this Act granted for the making of the Essendon pumping station shall cease except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from at any time extending or enlarging the Essendon pumping station or constructing the adit by this Act authorised or from exercising with respect to the new waterworks the powers conferred by subsection (2) of section 5 (Power to make waterworks) of this Act from time to time as occasion may require.

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Part II. —*cont.*

Acquisition of lands and easements by agreement.

**8.**—(1) The Company may for the purposes of the new waterworks and for the general purposes of the water undertaking purchase or otherwise acquire by agreement and hold the lands in the parish of Essendon included within the limits of deviation of the new waterworks shown on the deposited plan or any easements and rights in under or over those lands or any part thereof.

(2) The Company may also purchase or acquire by agreement and the owners of and other persons interested in the lands shown on the deposited plan and included within the "Limit of easements" marked on that plan may sell or grant to the Company any easements and rights in under and over those lands or any part thereof of passing and repassing over and along those lands with vehicles officers and servants to and from the Essendon pumping station and of constructing placing laying supporting maintaining repairing inspecting and using in and under those lands lines of pipes and other works for connecting the Essendon pumping station with the Company's main in the road leading from Essendon Mill to Essendon.

Power to hold lands and exercise powers for protection of waters.

**9.**—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes:

Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters

arising or flowing upon such lands or necessary or proper for preventing any waters which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Company are from time to time empowered to take.

(4) Nothing in this section shall authorise the Company to discharge any foul waters or other offensive or injurious matter (either solid or liquid) into the river Lee or its tributaries as defined by section 3 of the Lee Conservancy Act 1868. 31 & 32 Vict. c. cliv.

**10.** The Company may pump collect impound take use divert and appropriate for the purposes of the water undertaking all underground waters which will or may be taken or intercepted by means of the works authorised by section 5 (Power to make waterworks) of this Act. Power to take waters.

**11.**—(1) In this section— For protection of river Lee.

"the authorised works" means the works which the Company are authorised to make and maintain by section 5 (Power to make waterworks) of this Act;

"the signed plan" means the plan signed in duplicate by the Right Honourable the Earl of Onslow the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and deposited as to one copy in the Parliament Office House of Lords and as to the other copy in the Committee and Private Bill Office of the House of Commons and of which signed plan copies have been deposited with the clerk of the

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PART II. —*cont.*

Metropolitan Water Board with the clerk to the Hertfordshire County Council with the clerk and general manager of the Lee Conservancy Board and at the head office of the Company;

"the specified area" means so much of the water limits as is coloured pink on the signed plan.

(2) The Company shall not construct any well or borehole forming part of the authorised works within a distance of one hundred feet from the channel of the river Lee on the north side of the enclosure numbered 33 referred to in subsection (1) of the said section 5 of this Act.

(3) Every well or borehole forming part of the authorised works shall be constructed by the Company to a depth of at least one hundred feet from the surface of the ground and shall be lined by the Company to that depth so as to be impermeable to water for that depth.

(4) No adit heading or other underground work for taking or intercepting water and being a work which communicates with any such well or borehole as aforesaid shall be constructed by the Company at a less distance from the channel of the river Lee on the north side of the said enclosure numbered 33 than the well or borehole with which it communicates or at a less depth than one hundred feet below the surface of the ground.

(5) Except with the consent of the Metropolitan Water Board the Hertfordshire County Council and the Lee Conservancy Board the Company shall not pump from the authorised works a greater quantity of water than is necessary to meet the demands for water in the specified area and any supply of water which the Company may be required to afford under section 13 (For protection of Hertford Rural District Council) and section 14 (For protection of London and North Eastern Railway Company) of this Act.

(6) The Company shall provide and maintain in an efficient state of repair such sealed valves reflux valves or other apparatus as may be necessary to ensure that the water pumped from the authorised works shall not be supplied without the consent of the Metropolitan Water Board the Hertfordshire County Council and the

Lee Conservancy Board to premises situate outside the specified area except pursuant to section 13 (For protection of Hertford Rural District Council) and section 14 (For protection of London and North Eastern Railway Company) of this Act.

(7) If at any time after the passing of this Act the drainage through the public sewers in that part of the specified area which is coloured pink and hatched red on the signed plan or of any portion of that part shall be diverted so as no longer to be directed to the river Lee the Company shall not supply water from the Essendon pumping station to or for use in any house or building erected after such diversion in the said part of the specified area or the portion thereof affected by such diversion as the case may be except with the consent in writing of the Metropolitan Water Board the Hertfordshire County Council and the Lee Conservancy Board in the case of each such supply.

(8) As soon as practicable after the thirty-first day of December in every year the Company shall prepare a statement showing—

(*a*) the average number of water consumers supplied by them otherwise than by measure during that year in the specified area; and

(*b*) the aggregate quantity of water supplied by them by measure during that year in that area;

and such statement shall be kept at the Company's head office and at all reasonable hours in the daytime be open to inspection by the Metropolitan Water Board the Hertfordshire County Council and the Lee Conservancy Board and any person duly authorised in writing by any of them.

(9) Nothing in this Act shall authorise the Company to abstract any water from the river Lee or from any stream discharging into that river.

Limit on pumping.

**12.**—(1) The Company shall not except with the consent of the Metropolitan Water Board the Lee Conservancy Board and the Hertfordshire County Council (in this section referred to as "the three authorities") pump at the Essendon pumping station in any month a greater quantity of water than is equivalent to an average of seven hundred and fifty thousand gallons a day:

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Part II. —*cont.*

Provided that the consent of the three authorities shall not be unreasonably withheld and any dispute which may arise between the Company and any of the three authorities as to whether the consent of that authority has been unreasonably withheld shall be referred to the Minister who shall have power to decide what greater quantity (if any) of water may be so pumped by the Company and his decision shall be final.

(2) For the purpose of ascertaining the quantity of water pumped by the Company at the Essendon pumping station the Company shall before the completion of that pumping station provide thereat and shall at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water so pumped and a suitable instrument for recording the level of water in the well at that pumping station.

(3) The said meter and instrument and the records thereof shall at all reasonable hours in the daytime be open to inspection by the three authorities or any of them and any person duly authorised in writing by any of them.

(4) If it appears that in any month the Company have without the consent of the three authorities pumped water at the Essendon pumping station in excess of the quantity prescribed by this section or by a decision of the Minister under this section they shall be liable to a penalty not exceeding ten pounds in respect of every fifty thousand gallons or part thereof by which the total quantity pumped in that month has exceeded the prescribed quantity which penalty shall be payable to the Metropolitan Water Board who shall have the right to sue for and recover such penalty but without prejudice to any other right or remedy exerciseable by or available to any of the three authorities in respect of such excess pumping.

For protection of Hertford Rural District Council.

**13.**—(1) In this section—

"the council" means the rural district council of Hertford;

"the council's pumping station" means the authorised pumping station of the council in the parish of Little Berkhampstead in the rural district of Hertford.

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PART II. —*cont.*

(2) (*a*) If at any time during the construction or after the completion of the Essendon pumping station and while the council are pumping at the council's pumping station at a rate not exceeding two hundred and fifty thousand gallons per day the level of the water in the boreholes sunk or to be sunk in connection with the council's pumping station shall be reduced below the level of one hundred and ten feet above Ordnance datum by the pumping operations of the Company at the Essendon pumping station then the Company shall (as they may agree with the council or the Minister may determine) either—

(i) afford to the council a supply of water of such quantity at such point at such price as that the total cost to the council of obtaining their full supply shall not be more after than before the occurrence of such diminution and on such other terms and conditions as to quality pressure and otherwise as may be agreed between the Company and the council or failing agreement be determined by the Minister; or

(ii) repay to the council the cost of lowering the pumps or of deepening the boreholes at or making such other borings or headings in connection with the council's pumping station or carrying out such other works as will increase the supply of water obtainable from the council's pumping station to such extent as will enable the council to obtain from that pumping station a supply of water up to two hundred and fifty thousand gallons a day and also if any such lowering deepenings borings headings or other works increase the cost of obtaining from the council's pumping station such daily quantity of water as they from time to time require up to two hundred and fifty thousand gallons on any day pay to the council the amount of such increase.

(*b*) Any dispute between the Company and the council under this subsection including any dispute as to whether any reduction of the level of the water in the said boreholes below the said level of one

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Part II. —*cont.*

hundred and ten feet above Ordnance datum has or has not been caused by the pumping operations of the Company at the Essendon pumping station shall be determined by the Minister.

(3) For the purposes of subsection (2) of this section the Company may carry out all such works and do all such things as are necessary for those purposes.

(4) The council shall grant to the Company without payment all such easements and facilities as they lawfully can and as may be necessary for or in connection with the execution of the works required to enable the Company to carry out their obligations under this section.

(5) (*a*) The council shall before the completion of the council's pumping station provide thereat and at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water pumped at that pumping station and suitable instruments for recording the level of water in any boreholes connected with that pumping station.

(*b*) Any meter and instrument provided by the council pursuant to this subsection and the records thereof shall at all reasonable times be open to the inspection of any officer of or person duly authorised in writing by the Company and such officer or person may take copies of the said records.

(6) Notwithstanding anything in this section—

(*a*) the Company shall not be under any obligation to comply with the provisions of subsection (2) of this section if the council shall after reasonable demand have failed to afford to the officers servants and other duly authorised representatives of the Company at all reasonable times after the passing of this Act access to the council's pumping station and facilities for ascertaining particulars thereof and the level of the water in the boreholes connected therewith or if the council shall have failed to comply with paragraph (*a*) of the last preceding subsection or shall have refused

to allow any officer of or person duly authorised by the Company to inspect any meter or instrument provided pursuant to that subsection or to take copies of the records of any such meter or instrument;

(*b*) the Company shall not be under any obligation to afford a supply of water to the council under subsection (2) of this section while prevented from supplying water in consequence of frost unusual drought or other unavoidable cause or accident.

(7) (*a*) The Company shall make compensation in money to the council for any loss or damage sustained by them by reason of any reduction of the level of water in the said boreholes below the said level of one hundred and ten feet above Ordnance datum caused by the said pumping operations of the Company prior to the Company having complied with the provisions of paragraph (i) or paragraph (ii) of subsection (2) (*a*) of this section.

(*b*) The Company shall make like compensation to the council for any loss or damage sustained by the council by reason of the exercise of the powers of carrying out works conferred on the Company by subsection (3) of this section.

(8) The amount of any compensation to be made under subsection (7) of this section shall be settled in case of difference by the Minister.

(9) Any question which may arise between the Company and the council under this section other than a question which is to be determined by the Minister shall be referred to the arbitration of a single arbitrator appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 and 1934 shall apply to any such arbitration.

52 & 53 Vict. c. 49.

(10) The Company and the council may enter into and fulfil agreements with reference to the supply of water by the council under or with reference to any matter referred to in this section and may by such agreements alter or modify any of the provisions of this section.

24 & 25 Geo. 5. c. 14.

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PART II. —*cont.*

For protection of London and North Eastern Railway Company.

**14.**—(1) In this section—

"the railway company" means the London and North Eastern Railway Company;

"protected well" means any of the four wells marked on the map signed in duplicate by John Francis Haseldine on behalf of the Company and Robert John Mathison Inglis on behalf of the railway company and retained as to one copy by the Company and as to the other copy by the railway company.

(2) If at any time during the construction or after the completion of the Essendon pumping station it shall be proved by the railway company that the pumping by the Company at the Essendon pumping station has caused a material diminution or cesser of the supply of water obtainable from any protected well as the same existed immediately before the passing of this Act the Company shall (but subject to the provisions of this section) on the written request of the railway company afford to them a supply of water equal to the amount of such diminution or to the supply which shall have ceased at such cost or rate (if any) as that the total cost to the railway company of obtaining the full supply which could have been obtained by them if such diminution or cesser had not been so caused shall not be more after the occurrence of such diminution or cesser than it was before such occurrence and on such other terms as may be agreed or failing agreement may be settled by arbitration.

(3) Notwithstanding anything in this section—

(*a*) The Company shall not be under any obligation to afford a supply of water for domestic purposes under subsection (2) of this section in respect of any protected well the water from which was immediately before the diminution or cesser so polluted as to be or to be likely to be injurious or dangerous to health;

(*b*) The Company shall not be under any obligation to afford a supply of water for any purpose under subsection (2) of this section

in respect of any protected well if the railway company shall after reasonable demand have failed to afford to the officers servants and other representatives of the Company at all reasonable times after the passing of this Act access to that well and facilities for ascertaining particulars thereof and the level of the water therein;

(*c*) The Company shall not be under any obligation to afford a supply of water under subsection (2) of this section while prevented from supplying water in consequence of frost unusual drought or other unavoidable cause or accident.

(4) For the purpose of affording a supply of water under subsection (2) of this section the Company may carry out all such works and do all such things as are necessary for that purpose.

(5) All mains pipes meters and fittings required for the purpose of supplying water to the railway company pursuant to this section shall be provided laid and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company but all such fittings which shall be placed or fixed on or under the lands or premises of the railway company shall be repaired maintained (and when necessary renewed) and made good by the railway company to the reasonable satisfaction of the Company.

(6) The Company may (if they think fit) in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased deepen the protected well or make such borings therein or headings therefrom or carry out such other works as will increase the supply therefrom so as to make good the said diminution or cesser.

(7) The railway company shall grant to the Company without payment all such easements and facilities as may be necessary for or in connection with the execution of any works required to enable the Company to carry out their obligations and powers under the foregoing provisions of this section.

(8) The Company may (if they think fit) in lieu of affording a supply of water equal to the diminution

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Part II. —*cont.*

of the supply or the supply which shall have ceased as aforesaid make compensation in money to the railway company for the loss and damage sustained by them by reason of such diminution or cesser of supply and the amount of any such compensation shall be settled in case of difference by arbitration.

(9) Any question which may arise between the Company and the railway company as to the quantity time place or manner of any supply to be afforded by the Company pursuant to this section and any other question dispute or difference which may arise between the Company and the railway company under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed (unless otherwise agreed) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 and 1934 shall apply to any such arbitration.

(10) The Company and the railway company may enter into and fulfil agreements with reference to the supply of water by the Company to the railway company or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section.

## Part III.

### Provisions relating to water undertaking.

Adjustment of water limits of Company and Metropolitan Water Board.

**15.**—(1) On the first day of October nineteen hundred and thirty-seven (in this section referred to as "the date of transfer") the two areas which were transferred by the Middlesex Review Order 1934 from the borough of Finchley to the borough of Hendon and are coloured pink on the Map No. 5 referred to in that order shall cease to be within the limits for the supply of water by the Company and shall be added to and included within the limits of supply of the Metropolitan Water Board (in this section referred to as "the board") and accordingly as on and from the date of transfer—

(*a*) the Company shall cease to exercise any powers in relation to the supply of water within the said two areas; and

(*b*) all the provisions of the Acts relating to the board so far as they are applicable to that part of the limits of supply of the board which formerly comprised the area of supply of the West Middlesex Waterworks Company shall apply to the said two areas.

(2) On the date of transfer the two areas which were transferred by the said order from the borough of Hendon to the borough of Finchley and are coloured green on the said Map No. 5 shall cease to be within the limits of supply of the board and shall be added to and included within the limits for the supply of water by the Company and accordingly as on and from the date of transfer—

(*a*) the board shall cease to exercise any powers in relation to the supply of water within the said two areas; and

(*b*) all the provisions of the existing Acts and this Act relating to the water undertaking shall apply to the said two areas as if they were parts of the water limits as defined in this Act.

(3) (*a*) The Company and the board may enter into and carry into effect agreements with respect to the transfer to and vesting in the board of any mains pipes meters and other apparatus belonging to the Company at the date of transfer within the areas mentioned in subsection (1) of this section and the transfer to and vesting in the Company of any mains pipes meters and other apparatus belonging to the board at the date of transfer within the areas mentioned in subsection (2) of this section and the collection and apportionment of any rates and charges payable to the Company or the board for water supplied by the Company or the board within any of the said areas in respect of any half-year or other period current at the date of transfer.

(*b*) Any mains pipes meters and other apparatus which it is agreed under any agreement made pursuant to paragraph (*a*) of this subsection are to be transferred to and vested in the board or the Company shall on the date of transfer become and be so transferred and vested without payment by or to the board to or

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Part III. —*cont.*

by the Company and shall as and from that date form part of the board's undertaking or of the water undertaking of the Company as the case may be.

(4) All expenses rendered necessary by the foregoing provisions of this section in relation to the disconnecting of any mains service pipes or other apparatus used for the supply of water in the areas mentioned in subsections (1) and (2) of this section from the mains of the board or the Company and of re-connecting such mains service pipes and apparatus with the mains of the Company or the board (as the case may be) shall be borne equally by the Company and the board.

(5) Notwithstanding anything in this section—

(*a*) all rates rents charges and other sums of money which at the date of transfer are due or payable or are accruing due or payable to the Company in respect of the supply of water within the areas mentioned in subsection (1) of this section shall continue to be due and payable and may be collected and recovered by the Company if they shall have become due or payable before the date of transfer and by the board if they shall become due or payable on or after the date of transfer; and

(*b*) all rates rents charges and other sums of money which at the date of transfer are due or payable or are accruing due or payable to the board in respect of the supply of water within the areas mentioned in subsection (2) of this section shall continue to be due and payable and may be collected and recovered by the board if they shall have become due or payable before the date of transfer and by the Company if they shall become due or payable on or after the date of transfer:

Provided that any such rates rents charges and other sums which are payable in respect of any period current at the date of transfer shall when recovered be apportioned between the Company and the board as at the date of transfer.

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PART III. —*cont.*

Transfer of part of water limits to limits of Welwyn Garden City Urban District Council.

**16.** On the first day of October nineteen hundred and thirty-seven the several areas which were transferred by the County of Hertford Review Order 1935 from the parish of Hatfield in the rural district of Hatfield to the urban district of Welwyn Garden City and are coloured pink on the Map No. 12 referred to in that order shall cease to be within the limits for the supply of water by the Company and shall be added to and included within the limits for the supply of water by the Welwyn Garden City Urban District Council and accordingly as on and from the said day—

(*a*) the Company shall cease to exercise any powers in relation to the supply of water within those areas; and

(*b*) all the provisions of Part III (Supply of water) of the Welwyn Garden City Urban District Council Act 1932 shall apply to those areas as if they were parts of the limits of that Act for the supply of water by the said council.

22 & 23 Geo. 5. c. xxxvi.

Constancy and pressure of supply.

**17.**—(1) From and after the passing of this Act the Company shall provide a constant supply of water throughout the water limits in accordance with the provisions of the Waterworks Clauses Act 1847 Provided that the Company shall not—

(*a*) be under any obligation to supply water in any part of the water limits at a pressure greater than that afforded by gravitation from the reservoir from which such water is supplied; or

(*b*) be subject to any liability for failure to provide a constant supply of water if the failure is due to frost unusual drought or other unavoidable cause or accident.

(2) Notwithstanding anything in subsection (1) of this section the following provisions shall have effect:—

(i) during the period between the passing of this Act and the first day of January nineteen hundred and forty-four the pressure at which water shall be supplied by the Company in the borough of Finchley as existing at the passing of this Act shall not be less than the

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PART III. —*cont.*

pressure afforded by gravitation from the reservoir authorised by the Act of 1904 and known as the Arkley reservoir; and

(ii) on and after the said first day of January paragraph (*a*) of the proviso to subsection (1) of this section shall not apply within the said borough:

Provided that the Company shall not be required at any time to supply water in the said borough at a greater pressure than will make the water reach a level of sixty feet above the level of the road nearest the point at which such supply shall be given.

(3) The following sections of the existing Acts are hereby repealed:—

Act of 1872—

Section 55 (Water need not be constantly laid on under pressure).

Act of 1883—

Section 21 (Water need not be constantly laid on under pressure);

Section 22 (Application for constant supply);

Section 23 (Appeal to Local Government Board);

Section 24 (Restriction as to compulsory supply by Company);

Section 25 (Notice requiring or proposing constant supply to be served upon Company or local authority);

Section 26 (Extension of time to Company);

Section 27 (Provision for supply in courts passages &c.);

Section 28 (Penalties for non-compliance with preceding provisions as to constant supply);

Section 29 (Notice relating to constant supply to be published);

Section 30 (Company may issue notice upon owners and occupiers to provide prescribed fittings);

Section 31 (Owner or occupier to provide prescribed fittings);

Section 32 (In case of default by owner or occupier Company may provide or repair prescribed fittings);

Section 33 (Provision for case of frost &c.).

Act of 1904—

Section 23 (As to pressure);

Section 24 (As to constant supply in Finchley).

Regulations for preventing waste &c.

**18.**—(1) Sections 34 to 43 of the Act of 1883 (which sections relate to regulations for preventing waste misuse undue consumption or contamination of the water supplied by the Company and the size nature strength and materials and the mode of arrangement alteration and repair of apparatus or receptacles and fittings for conveying delivering regulating and receiving water so supplied and ancillary matters) shall as from the passing of this Act extend to and be in force throughout the water limits and the following words in section 34 of that Act are hereby repealed (viz.):—

"and shall before notifying their intention to give a constant supply in any district and within three calendar months after service upon them of notice on behalf of a local authority requiring a constant supply in any district."

(2) The regulations made by the Company under the said section 34 of the Act of 1883 on the seventeenth day of November nineteen hundred and thirty and confirmed by the Minister on the eighteenth day of December of that year if and so far as those regulations are not already in force throughout the water limits shall as from the passing of this Act extend to and be in force throughout the water limits until repealed or altered in accordance with the provisions of sections 35 to 38 of the Act of 1883.

Power to lay water pipes in certain private streets.

**19.**—(1) Notwithstanding the incorporation with any of the existing Acts or this Act of section 29 of the Waterworks Clauses Act 1847 that section shall not apply to the Company in relation to any street within the water limits which has been laid out and formed but not dedicated to public use Provided that—

(*a*) in the application of sections 30 to 34 of the said Act of 1847 as incorporated with the

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Part III. —*cont.*

existing Acts and this Act to any such street the persons having the control or management of the street shall be deemed to include the authority by whom the street would be maintained or repaired if it became a highway repairable by the inhabitants at large and the notice in writing required by the said section 30 and a copy of the plan referred to in the said section 31 shall be served on those persons; and

(*b*) the Company shall not (except in cases of emergency arising from defects in any pipe conduit or other work belonging to them) exercise the powers of section 28 of the said Act of 1847 with respect to any such street which is under the control or management of or repairable by a railway company or dock undertakers as defined in the Public Health Act 1936 except with the consent of such company or undertakers but that consent shall not be unreasonably withheld and any question whether or not consent is unreasonably withheld shall be referred to the Minister whose decision shall be final.

26 Geo. 5. & 1 Edw. 8. c. 49.

(2) (*a*) If with respect to any such street the Company exercise the powers of section 28 of the said Act of 1847 otherwise than pursuant to section 18 (Power to lay pipes in streets not dedicated to public use) of the Act of 1887 the Company shall make full compensation to any person who has sustained damage by reason of the exercise by the Company with respect to that street of any of those powers in relation to a matter as to which the person has not himself been in default.

(*b*) Any dispute arising under paragraph (*a*) of this subsection as to the fact of damage or as to the amount of compensation shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to the arbitration.

(*c*) Where an owner of land claims compensation under paragraph (*a*) of this subsection in respect of

damage sustained by reason of the Company having in the exercise of the powers of the said section 28 laid a water main or pipe in any land belonging to him and forming the site of any such street the arbitrator determining the amount of the compensation shall determine also by what amount if any the value to the claimant of any land belonging to him has been enhanced by the laying of the water main or pipe and the Company shall be entitled to set off that amount against the amount of any compensation awarded.

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PART III.
*—cont.*

As to streets forming boundary of water limits.

**20.**—(1) Where the water limits are bounded by or abut on any street which is wholly or for part of its width outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting on that street and being within the water limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits and subject to the like conditions as those imposed on the exercise of those powers within the water limits.

(2) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any supply pipe as defined in Part IV of this Act or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if where such street forms the boundary of or abuts on the water limits the whole width of the street were within those limits.

(3) Nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting on any such street and being outside the water limits.

(4) In this section the word " street " includes any square court or alley highway lane road thoroughfare or public passage or place.

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Part III. —*cont.* Supply of water to premises outside water limits.

**21.**—(1) The Minister if satisfied that the owner or occupier of any premises outside the water limits desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the Company as in the opinion of the Minister are necessary in order to give full effect to the order.

(3) An order shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose area and of any undertakers for the supply of water within whose limits of supply the premises are situate.

(4) (*a*) When the local authority within whose area or the undertakers for the supply of water within whose limits of supply any premises with respect to which an order shall have been made under this section are situate are able and willing to provide a supply of water to those premises and have given notice to the Company of their desire to supply water to those premises such order shall cease to have effect as from the expiration of three months from the giving of such notice.

(*b*) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such expenditure incurred by the Company in giving a supply to the premises as may be agreed or failing agreement determined by arbitration under and pursuant to the provisions of the Arbitration Acts 1889 to 1934.

(5) The charge made by the Company for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Company for water supplied for a similar purpose within the water limits.

(6) The provisions of paragraph (1) of section 11 (For protection of the county of Middlesex) and of paragraph (2) of section 12 (For the protection of the

Hertfordshire County Council) of the Act of 1904 shall not apply to a supply of water by the Company pursuant to any order made by the Minister under this section.

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PART III. —*cont.*

For protection of Lee Conservancy Catchment Board.

**22.** Nothing in section 5 (Power to make waterworks) or in section 9 (Power to hold lands and exercise powers for protection of waters) of this Act shall authorise the Company (except with the consent of the Lee Conservancy Catchment Board which may be given subject to such terms and conditions as they may think fit) to carry out any works upon or to discharge any water into any stream or watercourse which is for the time being marked as " main river " on the map of the river Lee catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930.

20 & 21 Geo. 5. c. 44.

## PART IV.

### WATER COMMUNICATION PIPES RATES AND CHARGES.

Commencement of Part IV.

**23.** This Part of this Act shall come into force on and not until the first day of January nineteen hundred and thirty-eight.

Definitions for Part IV.

**24.** In this Part of this Act unless the subject or context otherwise requires—

" the appointed day " means the first day of January nineteen hundred and thirty-eight;

" street " means—

(*a*) any road square court alley highway lane thoroughfare or passage within the water limits; or

(*b*) any place within the water limits laid out for any such purpose;

(whether the same be or be not dedicated to public use);

" service main " means a service main of the Company and in relation to a service pipe means the service main with which that service pipe is connected;

" service pipe " means so much of any pipe for supplying water from a service main to any house building or premises as is subject to water pressure from such main;

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Part IV. —*cont.*

"communication pipe" means—

(*a*) in relation to a service pipe on which a stopcock is fitted and (whether fitted before or after the appointed day) placed in accordance with the provisions of section 35 (Position of stopcocks) of this Act so much of the service pipe as is situate between the service main and the stopcock or if the stopcock is placed in a street in accordance with the proviso to subsection (1) of that section so much of the service pipe as is situate between the service main and the boundary of the street in which the service main is laid; and

(*b*) in relation to any other service pipe so much of the service pipe as is situate between the service main and the boundary of the street in which the service main is laid;

and includes—

(i) the ferrule at the junction of the service pipe with the service main; and

(ii) also where the communication pipe terminates at a stopcock or there is a stopcock fitted on the communication pipe the stopcock the stopcock pit the box containing the stopcock and any cover to such box;

"supply pipe" means so much of any service pipe as is not a communication pipe.

*Communication and supply pipes.*

Existing communication pipes transferred to Company.

**25.**—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Company shall by virtue of this Part of this Act become transferred to the Company without payment therefor and as from the appointed day all communication pipes so transferred to the Company shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes as if they had been laid by the Company under the provisions of this Part of this Act.

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PART IV. —*cont.*

(2) If at any time after the appointed day a stopcock is fitted on a service pipe which existed on the appointed day but on which there was no stopcock on the appointed day the stopcock so fitted (including the stopcock pit and the box containing the stopcock and any cover to such box) and so much (if any) of the service pipe as lies between the stopcock and that part of the service pipe which at the time when the stopcock is so fitted belongs to the Company shall as from the date of the fitting of the stopcock become transferred to the Company by virtue of this Part of this Act without payment therefor and shall for all purposes of this Part of this Act (including the maintenance repair renewal and removal thereof) become and be part of the communication pipe.

New communication pipes to be laid by Company.

**26.**—(1) On and after the appointed day the Company shall notwithstanding anything in any Act relating to them have the exclusive right of—

(*a*) providing and laying any communication pipe which is to be connected with any service main; and

(*b*) executing any works for connecting such communication pipe with the service main.

(2) Where any consumer being the owner or occupier of any dwelling-house or part of a dwelling-house within the water limits shall have—

(*a*) required the Company to provide a supply of water to such premises for domestic purposes; and

(*b*) laid the supply pipe; and

(*c*) paid or tendered the portion of the water rate in respect of such premises which shall be payable in advance;

the Company shall provide and lay with all reasonable dispatch the communication pipe requisite for furnishing such supply and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main.

If the Company refuse or neglect to provide and lay any communication pipe pursuant to the provisions

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PART IV. —*cont.*

of this subsection they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day during which such refusal or neglect shall continue and such penalties shall be recoverable in a summary manner.

(3) The Company may make such reasonable charges for providing laying and connecting any communication pipe and other apparatus pursuant to the last preceding subsection as they shall think fit and the amount of such charges shall be paid to the Company by the consumer.

(4) Where any person not being a consumer to whom subsection (2) of this section applies desires a supply of water from the Company for any purpose and the Company agrees to furnish such supply the Company shall on such terms and conditions as may be agreed with such person provide and lay the communication pipe requisite for furnishing such supply and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main Provided that the Company may make such reasonable charges for providing laying and connecting such communication pipe and other apparatus as they shall think fit and the amount of such charges shall be paid to the Company by the person desiring the supply.

(5) All communication pipes and other apparatus provided and laid by the Company pursuant to the provisions of this section shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes and apparatus.

(6) Sections 44 to 47 of the Waterworks Clauses Act 1847 so far as they relate to any pipe which constitutes or forms part of a communication pipe shall cease to apply within the water limits.

(7) In this section the term "consumer" means in relation to any supply of water which the Company are required to furnish the person entitled to require and requiring the supply.

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PART IV. —*cont.*

Separate service pipes may be required.

**27.**—(1) The Company shall not be bound to supply with water more than one house or building by means of the same service pipe and they may if they think fit require that a separate service pipe be laid into each house or building supplied or intended to be supplied by them with water and that such service pipe shall be laid from a service main of the Company or from such point between the service main and the house or building as the Company may determine.

(2) Where two or more houses or buildings are at the passing of this Act supplied by means of the same service pipe the Company shall not require a separate service pipe to be laid into each such house or building unless and until the service pipe in use at the passing of this Act becomes defective or requires renewal Provided that if any of the houses or buildings so supplied by means of the same service pipe is structurally altered so as to be divided into two or more parts occupied as separate tenements or if the water rate in respect of any such house or building remains unpaid for a period of six months after the date when it became due the Company may thereupon require a separate service pipe to be laid into that house or building.

(3) Where two or more houses or buildings belong at the passing of this Act to one owner and the owner agrees with the Company in writing to pay the water rate in respect of each such house or building then so long as the owner duly pays the water rate in respect of each such house or building the Company shall not require a separate service pipe to be laid into each such house or building.

(4) If pursuant to this section the Company require a separate service pipe to be laid they shall provide and lay with all reasonable dispatch so much of such separate service pipe as constitutes a communication pipe and may make such reasonable charges for so doing as they shall think fit and the amount of such charges shall be paid to the Company by the owner of the house or building to which the service pipe is required to be laid.

If the Company fail to comply with the provisions of this subsection they shall be liable to forfeit

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Part IV. —*cont.*

to the owner of the house or building a sum of five pounds and a further sum of forty shillings for every day during which such failure shall continue and such penalties shall be recoverable in a summary manner.

(5) If the owner of any house or building which is supplied with water by the Company and to which the Company shall have required a separate service pipe to be laid pursuant to this section shall for a period of three months after the receipt of notice from the Company requiring him so to do fail to provide and lay so much of the separate service pipe as constitutes a supply pipe the Company may themselves do the work necessary in that behalf and may make such reasonable charges for so doing as they shall think fit and the amount of such charges shall be paid to the Company by such owner.

Maintenance of communication pipes.

**28.** Notwithstanding anything in any other Act—

(*a*) any person other than the Company who immediately before the appointed day was responsible for the maintenance repair and renewal of or entitled to remove any service pipe shall on the appointed day cease to be responsible for the maintenance repair or renewal of or to be entitled to remove so much of such pipe as constitutes a communication pipe transferred to the Company by virtue of this Part of this Act; and

(*b*) after the appointed day no person other than the Company shall be responsible for the maintenance repair renewal or removal of so much of any service pipe as constitutes a communication pipe transferred to the Company as aforesaid or laid by the Company pursuant to this Part of this Act.

Power to Company to break up streets &c.

**29.**—(1) The powers and obligations of the Company with reference to the opening and breaking up and reinstatement of streets whether within or beyond the water limits for the purpose of laying pipes shall extend and apply to the laying maintaining repairing renewing and removing by them of communication pipes and other apparatus under the provisions of this Part of this Act.

(2) The Company shall also be entitled for the purpose of laying maintaining repairing renewing or removing any stopcock or any part of a communication pipe which they are by this Part of this Act empowered or required to lay maintain repair renew or remove and which is or will be situate on or in the premises supplied or intended to be supplied by means of such communication pipe to enter on such premises and break up the ground and soil thereof and the owner and occupier of the premises shall afford to the Company without payment all reasonable facilities for that purpose but the Company shall forthwith after the completion of any such work replace and make good to the reasonable satisfaction of the said owner and occupier the ground and soil so broken up.

Restriction on powers of other persons to break up streets.

**30.** No person other than the Company shall be entitled to open or break up any street within the water limits for laying any communication pipe or any apparatus fitted thereon or for maintaining repairing renewing or removing any communication pipe transferred by this Part of this Act to or laid by the Company or any apparatus fitted on any such communication pipe Provided that nothing in this section shall affect the provisions of section 153 of the Public Health Act 1875 or section 30 of the Tramways Act 1870 or article 12 of the Finchley Planning Scheme No. 1.

38 & 39 Vict. c. 55.

33 & 34 Vict. c. 78.

As to laying and maintenance of supply pipes.

**31.**—(1) The powers of laying pipes conferred by sections 48 to 52 of the Waterworks Clauses Act 1847 and the provisions of those sections with reference to such pipes shall within the water limits apply to the supply pipe for any supply of water which the Company shall after the appointed day be required or agree to furnish and shall not apply to a communication pipe as defined in this Part of this Act.

(2) For the purpose of complying with any obligation under this Act or the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 to maintain repair renew or remove any supply pipe within the water limits or any apparatus fitted thereon the person for the time being liable to repair the same shall have the like power to open the ground and to open or break up the pavement of any street in which the supply pipe is for the time being laid as is conferred upon him by

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PART IV. —*cont.*

sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of such pipes as are referred to in those sections.

(3) Except as in this Part of this Act otherwise expressly provided nothing in this Part of this Act shall alter or affect any right or obligation of any person—

(*a*) to provide lay maintain repair renew or remove any supply pipe; or

(*b*) to open the ground or open or break up the pavement of any street for any such purpose;

which would have existed if this Part of this Act had not been enacted.

(4) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair renew or remove any supply pipe and for that purpose to open or break up any street within the water limits and being a street in which no service main is for the time being laid execute such works on behalf of such owner or occupier and the Company may make such reasonable charges for so doing as they shall think fit and the amount of such charges shall be paid to the Company by the owner or occupier with whom the agreement is made.

Company to connect supply pipes with communication pipes.

**32.**—(1) Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any communication pipe for connecting therewith any supply pipe laid after the appointed day and on the request of the person supplied or intended to be supplied with water by means of such communication pipe the Company shall (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) execute on any such communication pipe any work which shall be necessary to connect therewith the supply pipe of that person.

(2) The Company may make such reasonable charges for executing any work under this section as they shall think fit and the amount of such charges shall be paid to the Company by the person supplied or intended to be supplied with water as aforesaid.

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PART IV. —*cont.*

Recovery of costs and charges.

**33.** All charges which shall be payable to the Company under the following sections of this Part of this Act :—

Section 26 (New communication pipes to be laid by Company);

Section 27 (Separate service pipes may be required);

Section 31 (As to laying and maintenance of supply pipes);

Section 32 (Company to connect supply pipes with communication pipes);

shall be payable on demand and recoverable summarily as a civil debt from the person from whom such charges are due.

As to London traffic area. 14 & 15 Geo. 5. c. 34.

**34.** In the application to the Company of subsections (3) and (4) of section 4 (Closing of streets for works) of the London Traffic Act 1924 the words "making altering repairing or disconnecting service connections" in that subsection (4) shall be construed as including laying connecting maintaining repairing altering renewing or disconnecting and removing communication pipes and supply pipes.

Position of stopcocks.

**35.**—(1) Any stopcock fitted on a service pipe at any time after the appointed day shall be placed as follows :—

(i) if the premises supplied or intended to be supplied by means of such service pipe adjoin the street in which the service main is laid the stopcock shall be placed in those premises and as near as reasonably practicable to the boundary of that street; and

(ii) if the said premises do not adjoin the street in which the service main is laid the stopcock shall be placed between those premises and that street and as near as reasonably practicable to the boundary of that street :

Provided that if the outer wall of any house or building constituting or forming part of the said premises forms the boundary of the street in which the service main is laid the stopcock shall be placed

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Part IV. —*cont.*

in that street and as near as reasonably practicable to such outer wall.

(2) The box containing any stopcock fitted on a service pipe at any time after the appointed day shall not be larger than is reasonably necessary.

As to Company's obligation to supply water.

**36.** Nothing in this Part of this Act shall impose on the Company any obligation to furnish a supply of water to which they were not subject immediately before the appointed day.

Repeal and amendment of provisions relating to communication pipes.

**37.**—(1) On the appointed day the following sections of the existing Acts shall become and be repealed :—

Act of 1887—

Section 22 (Service pipes);

Section 23 (Company not bound to supply several houses by one pipe).

Act of 1926—

Section 24 (As to communication pipes).

(2) On and after the appointed day section 23 (Maintenance of common pipe) and section 25 (Power to Company to repair communication pipes) of the Act of 1926 shall have effect as if the expression "common pipe" in the former section and the expression "communication pipe" in the latter section meant a supply pipe as defined in this Part of this Act.

(3) On and after the appointed day the words "consumers' service or communication pipes" in section 88 (For protection of Commissioner of Police of metropolis) of the Act of 1926 shall be deemed to mean service pipes as defined in this Part of this Act.

For protection of electricity undertakers.

**38.** Nothing in this Part of this Act shall—

(i) extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply

45 & 46 Vict. c. 56.

62 & 63 Vict. c. 19.

except in accordance with and subject to the provisions of those sections; or

(ii) prevent or affect the exercise by any such undertakers or by the Company of any rights or powers under those provisions.

For protection of Postmaster-General.

**39.** Nothing in this Part of this Act shall affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

*Rates and Charges.*

Rates and charges for water.

**40.**—(1) On the appointed day the undermentioned sections of the existing Acts and the whole of the Barnet District Gas and Water Company (Modification of Charges) Order 1922 (S.R. & O. 1922 No. 671) shall become and be repealed and in lieu thereof the provisions of subsections (2) to (5) of this section shall have effect as on and from that day.

The sections of the existing Acts which shall become so repealed are—

Act of 1872—

Section 56 (Rate at which water is to be supplied for domestic purposes);

Section 57 (Rates for waterclosets and baths).

Act of 1883—

Section 46 (Company to supply East Barnet Valley Local Board with water for public purposes).

Act of 1904—

Section 25 (For protection of Finchley Urban District Council).

(2) The Company shall at the request of the owner or occupier of any house or part of a house entitled under the provisions of the existing Acts and this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per annum not exceeding six and a quarter per centum of the net annual value of the premises so supplied Provided that—

(*a*) the Company shall not be required to supply any premises with water for a less sum than thirteen shillings per annum; and

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Part IV. —*cont.*

(*b*) if any premises to which this subsection applies is partly used as a retail or wholesale shop or wareroom or is solely used as a lock-up shop the said rate shall be charged on—

(i) three-fourths only of the net annual value of the premises if that value shall exceed twelve pounds and ten shillings and shall not exceed forty pounds; and

(ii) two-thirds only of the net annual value of the premises if that value shall exceed forty pounds.

(3) The Company shall not make any additional charge for any watercloset or for any bath having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations made under the Public Health Act 1936 prescribe) of not exceeding fifty gallons in any premises supplied with water in respect of which premises a rate or minimum sum is paid in accordance with subsection (2) of this section but the Company may charge for any bath having a capacity (measured as aforesaid) exceeding fifty gallons such sum as they may think fit.

(4) The charges to be made by the Company for water supplied to any local authority within the meaning of the Local Government Act 1933 for the purposes specified in section 37 of the Waterworks Clauses Act 1847 or to any local education authority within the meaning of the Education Act 1921 for the purposes of any school now or hereafter controlled or maintained by that authority or to any county council or local authority having jurisdiction within the water limits for the purposes of any hospital sanatorium or public assistance institution belonging to and maintained by that county council or local authority shall not exceed the following charges:—

23 & 24 Geo. 5. c. 51.

11 & 12 Geo. 5. c. 51.

(*a*) For the first two hundred and fifty thousand gallons or part thereof supplied for any of those purposes to any such authority in any quarter of the year one shilling and twopence per thousand gallons;

(*b*) For the next one hundred and twenty-five thousand gallons or part thereof so supplied

to the same authority in the same quarter one shilling and one penny per thousand gallons;

(*c*) For any quantity in excess of the first three hundred and seventy-five thousand gallons so supplied to the same authority in the same quarter one shilling per thousand gallons:

Provided that the Company shall not be bound to supply water for any of the said purposes other than domestic purposes in any such school hospital sanatorium or institution as aforesaid if and so long as such supply would interfere with or unduly diminish the supply of water for domestic purposes within the water limits but the Company shall give such notice as is reasonably practicable of any intended curtailment or restriction of the supply of water for any of the said purposes.

(5) The charges to be made by the Company for a supply of water by measure for any purpose other than the purposes mentioned in the last preceding subsection shall not exceed the following charges:—

(*a*) For the first two hundred and fifty thousand gallons or part thereof so supplied in any quarter of the year to any consumer one shilling and sixpence per thousand gallons with a minimum payment of twelve shillings per quarter;

(*b*) For the next one hundred and twenty-five thousand gallons or part thereof so supplied to the same consumer in the same quarter one shilling and fourpence per thousand gallons;

(*c*) For any quantity in excess of the first three hundred and seventy-five thousand gallons so supplied to the same consumer in the same quarter one shilling and twopence per thousand gallons.

(6) Nothing in this section shall affect the operation of section 58 (For preventing fouling water) or section 59 (Water supplied by agreement) of the Act of 1872 and that section 58 shall have effect as if the

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Part IV. —*cont.*

words "Provided always that" at the commencement of the section were omitted.

(7) Nothing in this section shall limit the charges which may be made by the Company for the supply of water in bulk as defined in the Supply of Water in Bulk Act 1934 to any statutory undertakers as defined in that Act.

24 & 25 Geo. 5. c. 15.

Charges for water supplied to Finchley Electricity Works.

**41.** The Company shall unless prevented by frost unusual drought or other unavoidable cause or accident or the carrying out of necessary repairs supply the mayor aldermen and burgesses of the borough of Finchley with water by measure for the purposes of their electricity works at rates not exceeding those prescribed by subsection (4) of the last preceding section Provided that the Company shall not be bound to supply water for the purposes of the said electricity works if and so long as such supply would interfere with or unduly diminish the supply of water for domestic purposes within the water limits but the Company shall give such notice as is reasonably practicable to the said mayor aldermen and burgesses of any intended curtailment or restriction of the supply of water for the purposes of the said works.

Charges for garages &c. when standpipe or tap is used.

**42.**—(1) Where a person who takes from the Company a supply of water for domestic purposes otherwise than by meter is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing carriages or other purposes in or in connection with such premises and can be taken from a standpipe or tap but no hosepipe or other similar apparatus be used in connection with such standpipe or tap the Company may charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more carriages than one are kept a further sum not exceeding five shillings for each carriage beyond the first Provided that this section shall not apply where the standpipe or tap from which the water so used is taken is situate within a dwelling-house occupied with the premises where horses or motor cars or other carriages are kept unless the standpipe or tap be situate

in a part of the dwelling-house used for the purposes of a garage.

(2) Any sum chargeable under subsection (1) of this section shall be payable quarterly in advance and be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Nothing in this section shall limit or otherwise affect the powers conferred on the Company by subsections (1) and (2) of section 13 (Charges for hosepipes and refrigerating apparatus) of the Act of 1928.

Rates payable on connected premises in one occupation.

**43.** Where two or more houses or buildings or parts of a house or building or parts of two or more houses or buildings are connected by any means of communication not being a public highway and are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company (otherwise than by meter) to any one or more of such two or more houses or buildings or parts of a house or building or parts of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Ascertainment of net annual value.

**44.** For the purposes of this Part of this Act the net annual value of any house or part of a house or premises shall subject to the provisions of the next succeeding section of this Act be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrued Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

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PART IV. —*cont.*

Adjustment of water rate where net annual value is altered.

15 & 16 Geo. 5. c. 90.

**45.**—(1) Where under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of any water rate payable to the Company under this Part of this Act have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate levied pursuant to section 2 of the said Act of 1925.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate payable under this Part of this Act the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered as if it were arrears of the water rate.

Rates payable by owners of small houses.

**46.**—(1) Where the net annual value of a house supplied with water by the Company does not exceed thirteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

(3) Section 22 (Owners in certain cases liable for water rates) of the Act of 1904 and section 31 (As to liability of owners for water rates in certain cases)

of the Act of 1926 shall on the appointed day become and be repealed.

Special terms for supplies to caravans shacks &c.

**47.**—(1) Notwithstanding anything in this or any other Act or any Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum charges as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Company shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or structure if the local authority of the district in which such caravan shack hut tent or structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the caravan shack hut tent or structure is situate objects to such supply being given the Company shall before affording such supply give to such local authority not less than twenty-eight days' notice in writing of their intention to do so.

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PART IV. —*cont.*

Charges for refrigerating apparatus &c.

**48.**—(1) If a person who takes a supply of water for domestic purposes from the Company otherwise than by meter desires to use any of the water so supplied for operating—

(*a*) a water-cooled refrigerating apparatus;

(*b*) any apparatus depending while in use upon a supply of continuously running water; or

(*c*) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Company may require that all water so used shall be taken by meter and paid for accordingly:

Provided that nothing in this section shall apply to apparatus used for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

(2) Subsection (3) of section 13 (Charges for hose-pipes and refrigerating apparatus) of the Act of 1928 shall on the appointed day become and be repealed.

Supply to certain classes of premises.

**49.**—(1) The Company shall not be bound to supply with water otherwise than by meter—

(*a*) any premises used as a house whereof a part is used by the same occupier for any business trade or manufacturing purpose for which water is required; or

(*b*) any public institution; or

(*c*) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant hotel or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910; or

10 Edw. 7. & 1 Geo. 5. c. 24.

(*d*) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the

Company to refuse a supply of water for domestic purposes to a farmhouse at the authorised rates.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the rate for the time being in force for a supply for domestic purposes to a dwelling-house of the same net annual value.

(4) Section 45 (Company not bound to supply water in certain cases) of the Act of 1883 and section 32 (Supply to certain institutions &c.) of the Act of 1926 shall on the appointed day become and be repealed.

Supply to swimming baths and bathing pools.

**50.** Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

As to quarterly dates for payment of water rates.

**51.** Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Company shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year and the first demand for water rates under this section shall be in respect of the period from Christmas Day immediately before the appointed day to the first day of April immediately after the appointed day.

Revision of water rates and charges.

**52.**—(1) If the Company or a county council or a local authority having jurisdiction within the water limits apply to the Minister at any time after the first day of April nineteen hundred and thirty-nine for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the Minister made in pursuance of this section and the Minister is satisfied that the cost of labour and materials or other circumstances

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Part IV. —*cont.*

affecting the water undertaking have substantially altered—

(*a*) in the case of the first application made under this section since the first day of January nineteen hundred and thirty-seven; and

(*b*) in the case of any subsequent application under this section since the date of the Minister's decision on the last preceding application;

the Minister may by order (subject to the provisions of subsection (3) of this section) vary either by way of increase or decrease such rates and charges or any of them Provided that except in the case of the first application no application shall be made by any county council or local authority under this section until after the expiry of three years from the date of the decision of the Minister on the last preceding application.

(2) Before making an order under this section the Minister shall require the applicants to serve notice of the application for the order upon any county council or local authority having jurisdiction within the water limits and shall consider any representation which may be made and on the making of an order notice shall be given of the making of the order and the effect thereof to every such county council or local authority.

(3) The making of any new valuation list under the Rating and Valuation Act 1925 shall be deemed to be a circumstance affecting the water undertaking within the meaning and for the purposes of this section.

(4) The rates and charges prescribed by any order made under this section shall be of such respective amounts as will in any year together with a reasonable profit from the gas undertaking in that year after debiting against the revenue of that undertaking all costs charges and expenses properly payable thereout and any contribution which the Company may make to the gas renewal fund formed under section 70 (Gas renewal fund) of the Act of 1926 provide sufficient revenue to enable the Company to pay dividends at the maximum rates on their ordinary stock after—

(i) paying all proper expenses of and in connection with the working of the water undertaking;

(ii) making any contribution which the Company may make to the water renewal fund formed under section 69 (Water renewal fund) of the Act of 1926;

(iii) making any contribution which the Company may make to the reserve fund formed under section 71 (Reserve fund) of the Act of 1926;

(iv) paying all other costs charges and expenses (if any) properly chargeable to the revenue of the Company;

(v) paying all interest payable on any mortgages and debenture stock of the Company; and

(vi) paying dividends at the maximum rate on all preference stock in the capital of the Company;

due regard being had (inter alia) to (*a*) the development of the water undertaking and (*b*) any capital which may be reasonably expected to be expended by the Company on the water undertaking during the three years immediately following the date of the order and (*c*) any obligations of the Company (whether actual or potential) with respect to the taking by the Company of a supply of water in bulk from the Metropolitan Water Board or from any other body company or person.

## Part V.

### Provisions relating to gas undertaking.

Extension of gas limits.

**53.** The limits within which the Company may supply gas and exercise the powers conferred on them by the existing Acts and this Act with respect to the gas undertaking shall extend to and include (in addition to the limits for the supply of gas under the existing Acts)—

so much of the parish of Rowley in the urban district of Barnet as is situate between the gas limits as existing immediately before the passing of this Act and a line drawn along the centre of the road (A. 5092) known as the Barnet bye-pass road;

and within that portion of parish the Company (subject to the provisions of this Act) shall have and may exercise all and the like powers privileges and

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PART V. —*cont.*

authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they have and are subject to within that part of the urban district of Barnet which is within the limits of the Company for the supply of gas under the existing Acts.

Additional lands for gas undertaking.

**54.** The total quantity of land which the Company may acquire by agreement and hold for the purposes of the gas undertaking under section 13 of the Act of 1926 is hereby increased to ten acres and accordingly that section shall have effect as if the words "ten acres" were substituted therein for the words "five acres."

Further power to lay gas pipes in private streets.

**55.**—(1) If pursuant to the provisions of sections 6 to 12 (with respect to the breaking up of streets for the purpose of laying pipes) of the Gasworks Clauses Act 1847 as incorporated with the existing Acts and this Act the Company desire to lay or place any pipe or other works in any street laid out and formed but not dedicated to public use and the owner or occupier of the soil or pavement of the street withholds his consent under section 7 of the said Act of 1847 to the laying or placing of the pipe or other works in the street or attaches to his consent terms or conditions which in the opinion of the Company are unreasonable the Company may apply to two justices acting for the place in which the street is situate to dispense with the consent of such owner or occupier or to amend or annul the terms and conditions attached by the owner or occupier to his consent.

(2) If on any such application by the Company the justices are of the opinion that the consent of the owner or occupier has been unreasonably withheld or that the terms or conditions attached by the owner or occupier to his consent are unreasonable they may by order authorise the Company to lay or place such pipe or other works in the street without the consent of such owner or occupier but subject to such terms and conditions (if any) as the justices may by the order prescribe and on the making of the order the Company may exercise with respect to the street the powers of section 6 of the said Act of 1847 but subject to the provisions of sections 8 to 12 of the said Act of 1847

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PART V. —*cont.*

and to the terms and conditions (if any) prescribed by the order:

Provided that in the application of the provisions of the said sections 8 to 12 of the said Act of 1847 to any street which has been laid out and formed but not dedicated to public use the persons having the control or management of the street shall be deemed to include the authority by whom the street would be maintained or repaired if it became a highway repairable by the inhabitants at large and the notice in writing required by the said section 8 and a copy of the plan referred to in the said section 9 shall be served on those persons.

(3) Notwithstanding the foregoing provisions of this section if any street in which the Company desire to lay or place any pipe or other works pursuant to subsection (1) of this section belongs to a railway company or dock undertakers as defined in the Public Health Act 1936 then in relation to that street—

(*a*) subsections (1) and (2) of this section shall have effect as if references to the Minister of Transport were substituted therein for references to two justices; and

(*b*) any difference between the Company on the one hand and the railway company or the dock undertakers on the other hand with respect to the plan referred to in section 9 of the said Act of 1847 shall be determined by the said Minister instead of by two justices.

(4) Nothing in this section shall limit the powers of the Company under section 37 (Power to lay pipes in private streets) of the Act of 1926.

As to streets forming boundary of gas limits.

**56.**—(1) Where the gas limits are bounded by or abut upon any street which is wholly or for part of its width outside the gas limits the Company may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street and being within the gas limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the gas limits subject nevertheless to the observance of the like conditions

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Part V. —*cont.*

to those imposed on an exercise of those powers within the gas limits.

(2) Nothing in this section shall entitle or require the Company to supply gas to the owner or occupier of any premises abutting upon any such street and being outside the gas limits.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Repeal of sections relating to gas undertaking.

24 & 25 Geo. 5. c. 28.

**57.**—(1) The following sections of the Act of 1926 and the Act of 1928 which have been rendered unnecessary by provisions of the Gas Undertakings Act 1934 are hereby repealed :—

| No. of section. | Marginal note. |
|---|---|
| Act of 1926— | |
| 39 | Antifluctuators to be used with gas engines. |
| 40 | Period of error in defective meters. |
| 42 | Charge for gas to premises having a supply of electricity or gas. |
| 43 | Gas consumers to give notice to Company before removing. |
| 44 | Mode of cutting off supplies. |
| 45 | Expenses of reconnecting discontinued supply. |
| 46 | Removal of fittings where gas supply discontinued. |
| 47 | Power to refuse to supply to persons in debt for other premises. |
| Act of 1928— | |
| 17 | Provision of valve where high pressure air or other gas is used. |

(2) The proviso in subsection (1) of section 2 (Incorporation of Acts) of the Act of 1926 amending section 13 of the Gasworks Clauses Act 1847 as incorporated with the Act of 1926 which proviso has been rendered unnecessary by section 7 of the Gas Undertakings Act 1934 is hereby repealed.

(3) Section 47 (Pressure of gas) section 48 (Quality of gas) and section 49 (Testing place and apparatus) of

the Act of 1872 and the Barnet District Gas (Standard of Calorific Power) Order 1917 (S.R. & O. 1917 No. 973) so far as those sections and order have not already ceased to have effect are hereby repealed.

## Part VI.

### Financial and administrative.

Additional capital.

**58.** The Company may from time to time raise by the creation and issue of ordinary stock and preference stock or of either such class of stock additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of three hundred thousand pounds and any sum so raised may be applied to the purposes of the water undertaking or of the gas undertaking (being purposes to which capital is properly applicable) as the Company may determine.

Power to borrow.

**59.**—(1) The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act including the premiums (if any) realised on the sale thereof.

(2) No sum shall be borrowed under or in pursuance of this section until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital in respect of which such sum is borrowed and the premiums (if any) realised on the sale thereof have been paid.

Debenture stock.

**60.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 39 (Debenture stock) of the Act of 1887.

Notice of the effect of that section 39 shall be endorsed on all mortgages granted and certificates of debenture stock issued by the Company under the powers of this Act.

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Part VI. —*cont.*

Redeemable preference capital and debenture stock.

**61.**—(1) In this section unless the context otherwise requires—

"Stock" means and includes preference stock and debenture stock;

"Issue" includes re-issue;

"Redeemable stock" means any stock issued under the powers of this section so as to be redeemable;

"Redeemed stock" means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock:

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of a general meeting of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

Provided that—

(*a*) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any reasonable interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose

of redeeming which the stock of such particular class is proposed to be so created or issued; and

(*b*) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed for the purposes of any enactment regulating the borrowing powers of the Company to have been raised.

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine:

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

(7) The provisions of section 57 (New stock to be sold by auction or tender) of the Act of 1926 shall not apply to any stock created and issued in substitution for any redeemable stock issued under the powers of this section.

(8) Section 4 (Power for certain undertakers to issue redeemable preference and debenture stock) of the Gas Undertakings Act 1934 shall cease to apply to the Company.

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Part VI. —*cont.*

Provisions as to issue of capital to employees &c.

**62.** Notwithstanding anything in any Act or Order relating to the Company the Company may with the approval of the Minister and subject to such conditions as he may think fit to impose—

(*a*) offer for subscription to consumers of gas and water supplied by the Company and persons employed by the Company; or

(*b*) offer for subscription by the public;

any ordinary or preference stock which they may for the time being be authorised to issue without offering the same for sale by public auction or tender.

Commissions on sale of stock or debenture stock.

**63.**—(1) The Company when ordinary or preference stock or debenture stock is to be issued may with the approval of the Minister and subject to such conditions as he may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor:

Provided that—

(*a*) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the issue of ordinary or preference stock or debenture stock; and

(*b*) nothing in this section shall affect any power of the Company to pay brokerage.

(2) Section 3 (Power for certain undertakers to pay underwriting commission) of the Gas Undertakings Act 1934 shall cease to apply to the Company.

Priority of mortgages and debenture stock over other debts.

**64.** All moneys raised or to be raised by the Company on mortgage or by the issue of debenture stock under the powers of the existing Acts or 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 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 or vested in the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Application of financial sections of Act of 1926.

**65.** The following sections of the Act of 1926 shall apply to any stock debenture stock or mortgages created issued or granted under the powers of this Act and to the holder of any such stock debenture stock or mortgages to the like extent and in like manner as those sections apply to any stock debenture stock or mortgages granted or issued under the powers of the Act of 1926 (but not further or otherwise) as if those sections were re-enacted in this Act with the substitution in the said section 56 of the words "the passing of this Act" for the words "the appointed day" in each place where the latter words occur and the substitution of the words "the passing of the Act of 1926" for the words "the passing of this Act" in subsection (3) of the said section 64 and with any other necessary alterations:—

Section 56 (Dividends of Company limited);

Section 57 (New stock to be sold by auction or tender);

Section 59 (Appointment of receiver);

Section 64 (Minimum amounts of holdings and transfers of stock);

Section 65 (Receipt in case of persons not sui juris).

Application of money.

**66.**—(1) All money raised under this Act whether by ordinary or preference stock or debenture stock (including premiums) or by borrowing (after deducting therefrom the expenses of and incidental to the issue of the stock) shall be applied only to purposes to which capital is properly applicable and any sum of money

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PART VI. —*cont.*

which may arise by way of premium from the issue of any such stock shall not be considered as part of the capital of the Company entitled to dividend.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised or may raise under the existing Acts.

Indemnity before issue of substituted certificates &c.

**67.** Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage stock interest or dividend represented thereby.

Appointment of proxies.

**68.** Section 78 (Appointment of proxies) of the Act of 1926 shall have effect as if the words "or if the "instrument has been deposited in the central office "of the Supreme Court of Judicature an office copy "thereof" were inserted in the proviso to that section after the words "the instrument appointing the attorney."

Notice by directors of contracts.

**69.** For the purposes of the proviso to subsection (6) of section 81 (Directors) of the Act of 1926 a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

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MISCELLANEOUS.

Persons under disability may grant easements &c.

**70.** 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 the existing Acts and this Act in over or affecting any such lands and the provisions of the Lands Clauses 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.

Inquiries by Minister.

**71.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred on him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

For protection of Hertfordshire and Middlesex County Councils.

**72.** For the protection of the county councils of the administrative counties of Hertford and Middlesex the following provisions shall unless otherwise agreed in writing between the Company and the county council concerned apply and have effect :—

(1) In this section—

"the county council" means the county council of the administrative county of Hertford or of the administrative county of Middlesex as the circumstances may require;

"county road" means a county road as defined in the Local Government Act 1929 and situate in the administrative county of Hertford or Middlesex : 19 & 20 Geo. 5. c. 17.

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 and section 30 of the Waterworks Clauses Act 1847 as respectively incorporated with the existing Acts and this Act shall each be read and have

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effect as if in respect of any county road or any bridge sewer drain or tunnel under the control or management of the county council a period of fourteen clear days were inserted therein instead of the period of three clear days Provided that this subsection shall not apply in the case of any opening or breaking up for the purpose of laying connecting altering or repairing any service pipe for the supply of gas or any service pipe as defined in section 24 (Definitions for Part IV) of this Act:

(3) The notice required by the said sections 8 and 30 as amended by subsection (2) of this section shall in respect of any county road or any such bridge sewer drain or tunnel as aforesaid be given to the surveyor of the county council:

(4) (*a*) If the Company in the execution of any work forming part of the water undertaking in or affecting any county road shall cause any damage injury or disturbance to the road and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the county council after reasonable notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works;

(*b*) Any difference which may arise between the county council and the Company under this subsection shall be referred to and determined by an engineer to be agreed between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and the provisions of the

Arbitration Acts 1889 to 1934 shall apply to the reference:

(5) The following provisions of the existing Acts are hereby repealed:—

| Section. | Marginal note. | Extent of repeal. |
|---|---|---|
| Act of 1904— | | |
| 11 | For protection of county of Middlesex. | Paragraph (4). |
| 12 | For the protection of the Hertfordshire County Council. | Paragraph (3). |
| Act of 1926— | | |
| 89 | For the protection of Hertfordshire and Middlesex County Councils. | The whole section. |

For protection of certain urban authorities.

**73.** For the protection of every urban authority as hereinafter defined the following provisions shall unless otherwise agreed in writing between the Company and the urban authority concerned apply and have effect:—

(1) In this section—

"urban authority" means the council of a borough or urban district wholly or partly situate within the water limits or the gas limits;

"district road" means a road repairable by an urban authority and not being a county road as defined in the Local Government Act 1929:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 and section 30 of the Waterworks Clauses Act 1847 as respectively incorporated with the existing Acts and this Act shall each be read and have effect as if in respect of any district road or any bridge sewer drain or tunnel under the control or management of an urban authority a period of fourteen clear days were inserted therein instead of the period of three clear days Provided that this subsection shall not apply in the case of any opening or breaking up for the purpose of laying connecting altering or

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Part VII. —*cont.*

repairing any service pipe for the supply of gas or any service pipe as defined in section 24 (Definitions for Part IV) of this Act:

(3) The notice required by the said sections 8 and 30 as amended by subsection (2) of this section shall in respect of any district road or any such bridge sewer drain or tunnel as aforesaid be given to the surveyor of the urban authority:

(4) (*a*) If the Company in the execution of any work forming part of the water undertaking in or affecting any district road shall cause any damage injury or disturbance to the road and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the urban authority after reasonable notice to the Company of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the urban authority all costs charges and expenses which the urban authority shall reasonably and properly incur in carrying out such works:

(*b*) Any difference which may arise between an urban authority and the Company under this subsection shall be referred to and determined by an engineer to be agreed between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

As to claimed roads in Finchley.

**74.** Notwithstanding anything in the last two preceding sections of this Act a county road in the borough of Finchley which is for the time being vested in the mayor aldermen and burgesses of the borough of Finchley shall so long as such road remains vested in them be deemed for the purposes of section 73

(For protection of certain urban authorities) of this Act to be a district road as defined in that section and for the purposes of section 72 (For protection of Hertfordshire and Middlesex County Councils) of this Act not to be a county road as defined in that section.

For further protection of London and North Eastern Railway Company.

**75.** The Company shall not under section 9 (Power to hold lands and exercise powers for protection of waters) and section 21 (Supply of water to premises outside water limits) of this Act carry any drain sewer or watercourse or any mains pipes or other works in through across or under any railway road bridge or approach belonging to or maintainable by the London and North Eastern Railway Company except with the consent in writing of the railway company which consent shall not be unreasonably withheld and any dispute as to whether such consent has been unreasonably withheld shall be determined by the Minister.

Provisions as to co-partnership scheme.

**76.**—(1) Section 84 (Profit sharing) of the Act of 1926 is hereby amended by the insertion in sub-section (3) of the section of the words "to the trustees or" after the word "issue" where that word first occurs.

(2) Part I of the Second Schedule (Regulations affecting profit sharing scheme) to the Act of 1926 is hereby amended as follows:—

(i) in Regulation No. 2 the words "entitled to" shall be substituted for the words "holding in his own right";

(ii) in Regulation No. 8 the words "who was previously entitled to the stock" shall be substituted for the words "in whose name the stock was previously registered";

(iii) in Regulation No. 11 the words "to which he is entitled" shall be substituted for the words "registered in his name."

Authentication and service of notices by Company.

**77.**—(1) Any notice to be served by the Company shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors or by the name of the officer being printed or stamped on the notice.

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Part VII. —*cont.*

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or business or by delivering the notice to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Liability to charges not to disqualify justices &c.

**78.** A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to the payment of any rent rate or charge under any such Act or Order.

Contents of summons &c.

**79.** Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such Acts or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of penalties&c.

**80.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

**81.**—(1) Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

(2) Section 98 (Recovery of demands) of the Act of 1926 shall have effect as if the words "an action founded on contract or tort" were substituted therein for the words "a personal action."

Repeal and amendment.

**82.**—(1) In addition to any repeals of provisions of the existing Acts effected by the foregoing provisions of this Act the following further sections of the existing Acts are hereby repealed:—

Act of 1872—

| | |
|---|---|
| Section 31 | (Priority of mortgages and debenture stock over other debts &c.); |
| Section 39 | (Members of boards &c. not disqualified); |
| Section 51 | (Service pipes); |
| Section 60 | (Notice to discontinue supply to be in writing); |
| Section 61 | (Cisterns to be supplied with proper ball cocks &c.); |
| Section 62 | (Regulations to be made for preventing waste of water); |
| Section 66 | (Several names in one warrant); |
| Section 70 | (Liability to gas rate not to disqualify justices). |

Act of 1883—

| | |
|---|---|
| Section 14 | (Power to take easements &c. by agreement); |
| Section 43 | (Company's officers to enter buildings); |
| Section 70 | (Priority of mortgages over other debts); |
| Section 74 | (Form and service &c. of instruments); |
| Section 75 | (Application of penalties). |

Act of 1887—

| | |
|---|---|
| Section 9 | (Power to take easements &c. by agreement); |
| Section 17 | (Reservation of rights on sales or leases); |

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PART VII. —*cont.*

Section 24 (Supply of water to tenements in a row);

Section 40 (Priority of mortgages over other debts).

Act of 1904—

Section 13 (Power to grant easements);

Section 16 (Temporary discharge of water into streams);

Section 19 (Power to lay mains in streets outside for purposes of supply within water limits);

Section 44 (Priority of mortgages and debenture stock over other debts).

Act of 1926—

Section 6 (Persons under disability may grant easements &c.);

Section 19 (Power to agree as to drainage of lands);

Section 61 (Priority of mortgages over other debts);

Section 62 (Issue of redeemable preference capital and debenture stock);

Section 63 (Provisions as to sale of stock &c. and payments of commissions);

Section 95 (Judges not disqualified);

Section 96 (Contents of summons &c.).

(2) The following words in section 40 (Power to purchase lands by agreement) of the Act of 1872 are hereby repealed:—

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

"and the persons empowered by 'The Lands Clauses Consolidation Act 1845' and 'The Lands Clauses Consolidation Acts Amendment Act 1860' respectively to sell and convey or release lands shall have full power to grant to the Company any such easement right or privilege and if they shall so think fit in consideration of an annual rentcharge."

(3) So much of section 11 (Incorporation of sections of Act of 1926) of the Act of 1928 as relates to section 6 of the Act of 1926 is hereby repealed.

Costs of Act.

**83.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be paid by the Company as part of their expenses on revenue account to the extent of not exceeding one-third part of such costs charges and expenses in any one year.

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