CHAPTER xi

An Act to incorporate and confer powers on the Herts and Essex Water Company and for other purposes. [6th May 1953.]

WHEREAS the Herts and Essex Waterworks Company Limited (hereinafter referred to as "the limited company") were on the twenty-ninth day of August eighteen hundred and eighty-three incorporated under the Companies Acts 1862 to 1880:

And whereas by the Acts and Orders specified in Part I of the Second Schedule to this Act the limited company were authorised to construct waterworks and supply water within limits of supply which comprised the areas now constituting the urban district of Sawbridgeworth and the parish of High Wych in the rural district of Braughing in the county of Hertford the urban district of Epping the rural district of Epping the parishes of Great Hallingbury Hatfield Broad Oak and Little Hallingbury in the rural district of Dunmow and the parishes of Abbess Roding Beauchamp Roding Bobbingworth Chipping Ongar Fyfield Greensted High Laver High Ongar Kelvedon Hatch Lambourne Little Laver Moreton Navestock Shelley Stanford Rivers Stapleford Abbotts Stapleford Tawney Stondon Massey and Theydon Mount in the rural district of Ongar in the county of Essex and other powers were conferred upon the limited company:

And whereas under the provisions of the said Acts and Orders the amount of the share capital of the limited company for the purposes of their water undertaking is as stated in the statement of share capital which is set forth in the First Schedule to this Act and the amount of money to be borrowed by the

limited company and secured by mortgage debentures is as stated in the statement of loan capital which is set forth in the said First Schedule:

And whereas it is expedient that the limited company should be dissolved and that the members thereof should be reincorporated as in this Act provided into a company (hereinafter referred to as "the Company") with power to supply water within the limits defined by this Act:

And whereas it is expedient that the undertaking of the limited company should be vested in the Company and that the existing works of the limited company should be continued:

And whereas it is expedient that the capital of the Company be increased and that such powers should be conferred upon the Company and such other provision made with respect to their undertaking as is in this Act mentioned:

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Herts and Essex Water Act 1953.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Incorporation of Company.
Part III.—Financial provisions.
Part IV.—Administrative provisions.
Part V.—Waterworks.
Part VI.—Supply of water etc.
Part VII.—Miscellaneous.

Incorporation of Acts.

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

(*a*) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital and sections 161 and 162) and

PART I —*cont.*

Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

(*b*) The following provisions of the Third Schedule to the Water Act 1945:—

Part I (Interpretation) so far as it relates to the following provisions of the said schedule;

Part II (Works and lands) except section 2 and subject as regards section 3 to section 62 (As to restriction on works for abstraction of water) of this Act;

Part IV (Minerals underlying waterworks);

Parts V (Power to lay mains &c.) VI (Breaking open streets &c.) VII (Supply of water for domestic purposes) VIII (Supply of water for public purposes) IX (Constancy and pressure of supply) X (Laying and maintenance of supply pipes and communication pipes) XI (Stopcocks) XII (Water rates and charges) except section 46 XIII (Provisions for preventing waste &c. of water and as to meters and other fittings) XIV (Pollution of water by manufacture &c. of gas) XV (Financial provisions applicable to water companies) except section 74 and Part XVI (General and miscellaneous).

Interpretation.

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

"the appointed day" means the first day of September next after the passing of this Act;

"the Company" means the Herts and Essex Water Company incorporated by this Act;

"the directors" means the directors of the Company;

"the limited company" means the Herts and Essex Waterworks Company Limited;

"the limits of supply" means the limits within which the Company are from time to time authorised to supply water;

"the Minister" means the Minister of Housing and Local Government;

PART I —*cont.*

" the undertaking " means the undertaking of the Company for the time being authorised ; and

" the waterworks " means the waterworks of the limited company as existing immediately before the date of the passing of this Act and any works of the limited company so existing and connected therewith.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

INCORPORATION OF COMPANY

Incorporation of Company.

5. As from the appointed day the limited company shall be dissolved and the several persons who immediately before the appointed day were members of the limited company and all other persons who have subscribed to or shall become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated by the name of the Herts and Essex Water Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General purposes of Company.

6. The Company shall be established for the purposes of supplying water to and within the limits of supply and generally to carry on the business of a water company and for other the purposes of this Act.

Property of limited company vested in Company.

7. Subject to the provisions of this Act all the lands waterworks erections buildings property rights and easements which immediately before the appointed day are vested in the limited company or any person in trust for them or to which the limited company are in anywise entitled and all pipes plant apparatus stocks matters and things which have been purchased or provided by and are immediately before the appointed day the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the appointed day belong to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the appointed day in force and the undertaking of the limited company shall on and from the appointed day be by virtue of this Act transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the appointed day vested in the limited

PART II —*cont.*

company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed and dealt with by the Company as they think fit.

Repeal of Acts and Orders and avoidance of memorandum and articles of association of limited company.

8.—(1) Subject to the provisions of this Act the unrepealed provisions of the Acts and Orders specified in Part I of the Second Schedule to this Act except the provisions thereof as set forth in Part II of that schedule shall as from the appointed day be and the same are hereby repealed and the memorandum and articles of association of the limited company shall as to any prospective operation be wholly void and the limited company and the shareholders thereof shall subject as aforesaid be exempted from all the provisions restrictions and requirements of the said Acts and Orders or of any other Act which applied to the limited company and the members thereof as such:

Provided that nothing in this Act contained shall affect the previous operation of the said Acts and Orders or the said memorandum and articles or anything done or suffered or any right obligation or liability acquired accrued or incurred thereunder and with respect to all such rights obligations and liabilities the Company and the proprietors thereof and the property of the Company shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company.

(2) The provisions of the said Acts and Orders which are set out in Part II of the Second Schedule to this Act shall have and continue to have the same effect as if this Act had not been passed except that the Company may exercise the powers conferred and shall be subject to the obligations imposed by the said provisions in all respects as if the Company had been therein referred to instead of the limited company:

Provided that—

(*a*) nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of the said Acts or Orders which apply to or affect a special portion only of the undertaking or the limits of supply of the limited company or are otherwise specifically of limited application;

(*b*) section 16 of the Herts and Essex Water Order 1879 shall be read and have effect as if the word "premises" were substituted for the words "dwelling-house or part of a dwelling-house" and "dwelling-house" and as if the words "(which shall include one water-closet)" and the words "and so in proportion for any longer or shorter period than a year" were omitted therefrom;

PART II —*cont.*

(*c*) section 10 (For protection of Hertfordshire County Council) of the Herts and Essex Water Order 1907 shall be read and have effect as if the words "Third Schedule to the Water Act 1945" were substituted for the words "Waterworks Clauses Act 1847" therein;

(*d*) the powers of section 17 (Cisterns to be provided for high level supplies) of the Herts and Essex Water Act 1921 shall not be exercisable by the Company in relation to dwelling-houses the erection of which was not commenced before the passing of this Act.

Contracts prior to appointed day to be binding.

9. All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the appointed day by to or with the limited company or any trustee or person acting on behalf of the limited company or by to or with any person to whose rights and liabilities they have succeeded and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or the trustee or person acting on behalf of the limited company the Company had been a party thereto.

Actions etc. not to abate.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the appointed day and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the proprietors thereof being in reference to the matters aforesaid in all respects substituted for the limited company and their members respectively.

Indemnity.

11. Every person who (being authorised so to do) before the appointed day entered into any bond covenant contract or engagement on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

PART II —*cont.*

Company to satisfy liabilities of limited company.

12. Subject to the provisions of this Act from and after the appointed day the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the appointed day were subject and shall indemnify the members directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in connection therewith.

Recovery of water rates etc.

13. All water rates and sums of money which immediately before the appointed day were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before appointed day.

14. All persons who immediately before the appointed day owed any money to the limited company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the appointed day were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates etc. to remain in force.

15. Notwithstanding the avoidance of the memorandum and articles of association of the limited company all certificates for shares in the limited company (until cancelled under the provisions of this Act) and all sales transfers and dispositions of any such shares made or executed but not registered before the appointed day shall be valid and have due effect given to them as if they were respectively—

(*a*) certificates for stock of the Company of the designations and to the amounts allocated by this Act to the holders of the shares referred to in such certificates; or

(*b*) sales transfers or dispositions of stock of the Company of the designations and to the amounts allocated by this Act to the holders of shares in the limited company of the designations and to the amounts of the shares sold transferred or disposed of together with any sum in cash payable under the provisions of this Act to the holders of such shares.

Books etc. to continue evidence.

16. All documents books and writings which if the said dissolution repeal and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution repeal and avoidance

PART II —*cont.*

Present registers of members to be continued.

17. The books kept by the limited company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share and the register of mortgages of the limited company shall until a new register of stockholders and a new register of mortgages shall respectively be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders or register of mortgages (as the case may be) required to be kept by the Companies Clauses Consolidation Act 1845 as amended (in its application to the Company) by this Act.

Officers to continue till removed.

18. All officers and servants of the limited company who shall be in the employ of the limited company at the appointed day shall as from the appointed day hold under the Company the same respective offices and employments on the same terms and conditions as they held under the limited company on that day and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed by the Company.

Saving rights of limited company until appointed day.

19. Nothing in this Act shall prejudice or affect the exercise or enjoyment by the limited company of any of their rights powers or privileges during the period between the passing of this Act and the appointed day but all such rights powers and privileges may be exercised and enjoyed by the limited company during the said period as if this Act had not been passed.

PART III

FINANCIAL PROVISIONS

Capital.

20.—(1) The capital of the Company shall be one million five hundred thousand pounds of which capital four hundred and forty-four thousand four hundred and twelve pounds is in this Act called " the original capital " and shall be substituted for the existing issued share capital of the limited company and the remainder is in this Act called " the additional capital " and may be raised in manner in this Act mentioned.

(2) On the appointed day there shall be created by virtue of this Act and without any further or other authority—

forty-nine thousand and sixty pounds of ordinary stock entitled to a maximum dividend of ten per centum per annum;

eleven thousand four hundred pounds of ordinary stock entitled to a maximum dividend of seven per centum per annum;

PART III —*cont.*

one hundred and thirty-nine thousand seven hundred and seventy pounds of ordinary stock entitled to a maximum dividend of five per centum per annum;

ninety-four thousand one hundred and eighty-two pounds of preference stock entitled to a maximum dividend of five per centum per annum; and

fifteen thousand redeemable preference shares of ten pounds each entitled to a maximum dividend of five and a half per centum per annum.

Allocation of original capital.

21.—(1) (*a*) Forthwith after the appointed day the stock created by virtue of this Act shall be allocated as follows:—

The said ordinary stock shall be divided among and vested in the several persons who immediately before the appointed day were registered as holders of ordinary shares of the limited company in the proportion of ten pounds of ordinary stock entitled to a maximum dividend of ten per centum per annum for each existing ordinary share bearing a maximum dividend of ten per centum per annum held by them respectively ten pounds of ordinary stock entitled to a maximum dividend of seven per centum per annum for each existing ordinary share bearing a maximum dividend of seven per centum per annum held by them respectively and ten pounds of ordinary stock entitled to a maximum dividend of five per centum per annum for each existing ordinary share bearing a maximum dividend of five per centum per annum held by them respectively;

The said preference stock shall be divided among and vested in the several persons who immediately before the appointed day were registered as holders of preference shares of the limited company in the proportion of twelve pounds of preference stock for each existing preference share bearing a maximum dividend of six per centum per annum held by them respectively eleven pounds of preference stock for each existing preference share bearing a maximum dividend of five and one-half per centum per annum held by them respectively ten pounds of preference stock for each existing preference share bearing a maximum dividend of five per centum per annum held by them respectively nine pounds ten shillings of preference stock for each existing preference share bearing a maximum dividend of four and three-quarters per centum per annum held by them respectively and eight pounds of preference

PART III —*cont.*

stock for each existing preference share bearing a maximum dividend of four per centum per annum held by them respectively.

(*b*) All stock so created and vested shall be deemed to be fully paid up and shall as soon as practicable after the appointed day be registered in the books of the Company in the respective names of the persons entitled thereto.

(2) (*a*) Forthwith after the appointed day the redeemable preference shares created by virtue of this Act shall be divided among and vested in the persons who immediately before the appointed day were entitled to be registered as the holders of the redeemable preference shares of the limited company according to their respective holdings as follows:—

for each redeemable preference share of the limited company of ten pounds one redeemable preference share of the Company of ten pounds.

(*b*) The redeemable preference shares so created and vested shall be deemed to be fully paid up and shall as soon as practicable after the appointed day be registered in the books of the Company in the respective names of the persons entitled thereto and shall be redeemed at par on the thirtieth day of September nineteen hundred and seventy-two.

Trustees to accept substituted stock etc.

22. Trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares in the limited company are hereby expressly authorised and required to accept any stock shares and sums in cash vested in or paid to them pursuant to this Act and to hold dispose of or otherwise deal with the same as they might have disposed of or otherwise dealt with the share or shares in the limited company for which such stock shares and sums in cash (if any) are substituted and are hereby indemnified in respect of all acts bona fide done by them in pursuance of this Act.

As to redeemable mortgage debentures of limited company.

23.—(1) The redeemable mortgage debentures of the limited company outstanding at the appointed day shall as from that day become and be mortgage debentures of the Company charged upon the undertaking in all respects as if those mortgage debentures had been issued by the Company on the dates on which they were respectively issued by the limited company and as if the Company had been named therein instead of the limited company.

(2) If and when the Company redeem or pay off the said mortgage debentures or any of them they may re-borrow on mortgage the amount of the mortgage debentures so redeemed or paid off or (if and to the extent to which they do not so re-borrow) the said amount shall be deemed to be an amount

PART III —*cont.*

which (in addition to any other borrowing powers for the time being exercisable by them) they may raise by the creation and issue of debenture stock and such debenture stock shall be deemed to have been created by virtue of this Act and may be issued by the directors at such times to such persons and upon and subject to such terms and conditions as they may think fit.

As to irredeemable mortgage debentures of limited company.

24.—(1) The irredeemable mortgage debentures of the limited company outstanding at the appointed day shall as from that day and by virtue of this Act be converted into fourteen thousand three hundred pounds of irredeemable debenture stock of the Company entitled to interest at the rate of five per centum per annum.

(2) The said debenture stock shall be divided among and shall as from the appointed day be vested without payment in the persons who immediately before the appointed day are entitled to be registered as the holders of the said irredeemable mortgage debentures according to their respective holdings as follows:—

for each ten pounds of mortgage debentures eleven pounds of debenture stock.

(3) The said debenture stock shall as soon as practicable after the appointed day be registered in the books of the Company in the respective names of the persons entitled thereto.

Stock etc. to be held on same trusts etc. as shares of limited company.

25. The stock and shares created by virtue of this Act shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the appointed day affected the share or shares for which the same are respectively substituted and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any agreement deed or other instrument or any testamentary disposition made before the appointed day and affecting any such share or shares and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the stock or shares substituted for such share or shares.

Exchange of certificates etc.

26. The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates of the stock or shares to which the holders of such shares are by this Act respectively entitled but no holder of any such share shall be entitled to any certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the existing certificate of proprietorship of the share or shares in the limited company issued to him before the appointed day or shall have proved to the reasonable

PART III —*cont.*

satisfaction of the directors the loss or destruction thereof but if any holder of any such existing share neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the shareholders' address book of the limited company the Company may retain any dividend declared or made payable upon or in respect of the stock or shares substituted under the provisions of this Act for such share or shares until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors.

As to raising additional capital.

27. The Company may from time to time raise the additional capital by the creation and issue at their option of additional ordinary stock or preference stock or wholly or partially by one or other of those modes to such an amount as will 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 one million and fifty-five thousand five hundred and eighty-eight pounds but no such stock shall vest in the person accepting the same until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

New capital to rank with existing capital of same class.

28. Except as otherwise provided by this Act any ordinary stock created under section 27 (As to raising additional capital) of this Act and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if such ordinary stock were part of the ordinary stock of the Company.

Power to borrow.

29. The Company may without further or other authority borrow on mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the amount of the mortgage debentures and debenture stock referred to in section 23 (As to redeemable mortgage debentures of limited company) and section 24 (As to irredeemable mortgage debentures of limited company) respectively of this Act) one-half of the amount (including premiums and allowing for discounts) of the capital which at the time of borrowing has been issued or raised under the powers of this Act:

Provided that the Company shall not without the consent of the Minister pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed under the authority of this section.

PART III —*cont.*

Debenture stock.

30. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of the mortgage debentures and debenture stock referred to in section 23 (As to redeemable mortgage debentures of limited company) and section 24 (As to irredeemable mortgage-debentures of limited company) respectively of this Act and of all debenture stock and mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the mortgage debentures and debenture stock and the mortgages were authorised) and shall subject as is mentioned in section 31 (Priority of mortgages and debenture stock over other debts) of this Act have priority over all principal moneys secured by such mortgages mortgage debentures and debenture stock Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

31. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act or secured by the mortgage debentures and debenture stock referred to in section 23 (As to redeemable mortgage debentures of limited company) and section 24 (As to irredeemable mortgage debentures of limited company) respectively of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act:

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted by the limited company 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.

Appointment of receiver.

32. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Company or fifty thousand pounds whichever is the less.

Minimum holdings of stock and debenture stock.

33.—(1) Any ordinary stock preference stock and debenture stock of the Company may be issued and be held in amounts of one pound or any integral number of pounds exceeding one and

PART III —*cont.*

not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which may reduce the holding of the transferor below or make the holding of the transferee less than one pound of stock of that class.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be.

As to fractional parts of one pound.

34.—(1) In every case where under this Act a holder of shares in the limited company would be entitled to be registered as the holder of any fractional part of one pound of stock of the Company or of any amount of such stock including any such fractional part the Company in lieu of registering such holder and issuing to him a certificate as holder of such fractional part of one pound of stock or of an amount of stock including such fractional part shall pay to such holder a sum in cash equal to the value of such fractional part at the nominal value thereof and shall register such holder and issue to him a certificate as holder of the amount of stock (if any) to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder or in the case of joint holders one of them for the sum in cash so paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part.

(2) The Company may either cancel all or any of the stock in respect of which such payment has been made or issue the same to any willing purchaser thereof in amounts of one pound or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Company:

Provided that any such issue shall not be subject to the provisions of section 75 (Sale of stock by auction or tender) of the Third Schedule to the Water Act 1945.

Company not bound to regard trusts.

35. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company.

Maximum rates of dividend.

36.—(1) The Company shall not in any year pay out of their profits dividends at rates per centum greater than the following rates (that is to say):—

(*a*) on the original capital issued as ordinary stock entitled to a maximum dividend of ten per centum per annum ten per centum;

PART III —*cont.*

(*b*) on the original capital issued as ordinary stock entitled to a maximum dividend of seven per centum per annum seven per centum ;

(*c*) on the original capital issued as ordinary stock entitled to a maximum dividend of five per centum per annum five per centum ;

(*d*) on the original capital issued as preference stock entitled to a maximum dividend of five per centum per annum five per centum ;

(*e*) on the original capital issued as redeemable preference shares entitled to a maximum dividend of five and a half per centum per annum five and a half per centum ;

(*f*) on the additional capital issued as ordinary capital seven per centum ;

(*g*) on the additional capital issued as preference capital six per centum ;

(*h*) where any such additional capital has been subscribed upon terms entitling it to a rate of dividend lower in the case of ordinary capital than seven per centum per annum or in the case of preference capital than six per centum per annum that lower rate.

(2) Nothing in the last foregoing subsection shall prevent the payment of a greater dividend in order to make up deficiencies in previous dividends on the ordinary stocks of the Company whether created by virtue of this Act or subscribed after the appointed day :

Provided that as respects capital subscribed after the appointed day this subsection shall apply only in relation to deficiencies arising during the last five years before the year in respect of which a dividend is being paid.

Ranking of original capital for dividend.

37.—(1) The ordinary stocks being part of the original capital created by virtue of this Act and entitled respectively to maximum dividends of ten per centum seven per centum and five per centum per annum shall rank (except as to rate of dividend) pari passu as to dividends so that (after the payment of or the making of provision for dividends on preference stock and shares) the profits of the Company which it may be determined to distribute in any year by way of dividend on such ordinary stocks shall be applicable—

firstly in payment of a dividend at a rate not exceeding five per centum per annum on all classes of such ordinary stocks ;

PART III —*cont.*

secondly in increasing the dividend payable in respect of such ordinary stocks entitled to a maximum dividend of seven per centum per annum and ten per centum per annum respectively by an amount not exceeding two per centum per annum ;

thirdly in increasing the dividend payable in respect of such ordinary stock entitled to a maximum dividend of ten per centum per annum by an amount not exceeding three per centum per annum ; and

fourthly in making up any deficiency in any previous dividend which shall have fallen short of the maximum rate of dividend authorised in respect of the several classes of ordinary stocks being part of such original capital Provided that for the purpose of making up any such deficiency the said classes of ordinary stocks shall rank pari passu.

(2) The preference stock and the redeemable preference shares being part of the original capital created by virtue of this Act and entitled respectively to maximum dividends of five per centum and five and a half per centum per annum shall rank (except as to rate of dividend) pari passu as to dividends.

As to dividends on shares of limited company.

38. The Company shall as soon as practicable after the appointed day pay to the persons who immediately before the appointed day held shares of the limited company or their successors in title to such shares out of the funds of the limited company which if this Act had not passed would have been applicable to dividend dividends (less income tax) at such rates as after taking into account any interim dividend the limited company could lawfully have paid thereon out of such funds for the period between the appointed day and the preceding thirty-first day of December.

Application to Company of section 1 of Trustee Act 1925.

39. For the purposes of section 1 (Authorised investments) of the Trustee Act 1925 the Company shall be deemed to be a company to which paragraph (*l*) of subsection (1) of that section applies and in the application of that paragraph to the Company it shall have effect as if for the words " five per centum " there were substituted the words " four per centum " and the Company shall be deemed during each of the ten years last past before the appointed day to have paid a dividend of not less than four per centum on its ordinary stock.

Saving for powers of Treasury.

40. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART IV

ADMINISTRATIVE PROVISIONS

First ordinary meeting.

41. The first ordinary meeting of the Company shall be held within six months after the appointed day.

Meetings of Company.

42. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine.

Notices of meetings.

43. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement:

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Quorum for meetings of Company.

44. For the purpose of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be five holders of stock.

Defining right of voting.

45.—(1) At all meetings of the Company every holder of ordinary stock shall be entitled to one vote in respect of every amount of one pound of such stock held by him.

(2) At all meetings of the Company every holder of preference stock and every holder of redeemable preference shares being part of the original capital created by virtue of this Act shall be entitled to one vote in respect of every amount of one pound of such preference stock and ten votes in respect of every such preference share held by him.

(3) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock forming part of the additional capital to which a preferential dividend shall be assigned.

PART IV —*cont.*

As to appointment of proxies.

46. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy:

Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of an instrument deposited with the central office of the Supreme Court) an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

47. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

Number and qualification of directors.

48.—(1) The number of directors shall be six but the Company may vary the number provided that the number be not at any time more than seven or less than three.

(2) On and from the appointed day the qualification of a director shall be the possession in his own right of ordinary stock of the Company to the nominal amount of not less than one hundred pounds.

Quorum for directors' meeting.

49. The quorum for a meeting of directors shall be two.

First and subsequent directors.

50. Frank Harding Jones Claud Douglas Pennant Alfred Henry Gosling John Francis Todhunter and Neil Brodie Henderson shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the appointed day At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election At the ordinary meeting to be held in every year after the first ordinary meeting the stockholders present in person or by proxy shall (subject to

PART IV —*cont.*

the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Contracts etc. not to disqualify for office of director.

51. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company (other than that of auditor) or by reason of his or any partners of his being or becoming interested in any contract with the Company either on his own behalf or as a member of any other company or any corporation local authority or partnership nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or of his or any partners of his becoming interested in any such contract:

Provided that in the case of his or any partners of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract or of the interests of any such partners of his shall be disclosed by him at the meeting of the directors at which the contract is determined on if his or their interest then exists or in any other case at the first meeting of the directors after the acquisition of his or their interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity For the purposes of the proviso to this section 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.

Continuing directors.

52. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors holding office shall be less than the minimum number prescribed by this Act the directors shall not except for the purpose of filling vacancies and allotting stock to any proposed director or directors act so long as the number is below such minimum.

PART IV —*cont.*

Notice of candidature of or of opposition to re-election of director.

53.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the board of directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

(2) In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of stock for at least two months prior to his election.

As to appointment of managing director.

54.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Auditors.

55. The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company The auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold stock of the Company If and so long as a firm appointed under the provisions of this section are the

auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company. PART IV —*cont.*

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

57.—(1) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting: Interim dividends and annual accounts.

Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared.

(2) The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

58.—(1) The directors may close the register of transfers of any ordinary or preference stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such ordinary or preference stock and may close the registers of transfers of mortgage debentures and debenture stock of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such mortgage debentures or debenture stock and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section Seven days' notice of the closing of any such register shall be given by advertisement in some newspaper published and circulating within the county of Essex. Closing of transfer books.

(2) Any transfer of stock or mortgage debentures or debenture stock lodged for registration with the Company while the transfer books relating to such stock or to such mortgage debentures or debenture stock are so closed shall as between the Company and the person claiming any such transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest as the case may be.

59. Notwithstanding anything contained in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that Substitution of card index for shareholders' address book.

PART IV —*cont.*

section a card or other index containing the names and addresses of the several stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Register of shareholders and shareholders' address book.

60. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(*a*) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(*b*) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

PART V

WATERWORKS

Power to take waters.

61. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters as can be taken or intercepted by means of the waterworks.

As to restriction on works for abstraction of water.

62. For the purposes of section 3 of the Third Schedule to the Water Act 1945 incorporated with this Act works which are comprised within the waterworks shall be deemed to be situate upon lands which are specified in this Act.

Saving for Metropolitan Water Board.

63. Notwithstanding anything contained in this Act the Company shall not by means of the well and pumping station in the urban district of Sawbridgeworth authorised by section 11 of the Herts and Essex Water Order 1879 and the wells or boreholes and the adits and headings connected therewith in the said urban district continued by section 3 of the Herts and Essex Water Order 1952 take a greater quantity of water than two million five hundred thousand gallons per day taken as an average over any consecutive period of twenty-eight days of twenty-four hours reckoned from midnight.

PART VI

SUPPLY OF WATER ETC.

Limits of supply.

64. The limits for the supply of water by the Company shall be the area described in the Third Schedule to this Act.

As to rates for certain purposes.

65. The prescribed sum for the purposes of subsection (1) of section 48 of the Third Schedule to the Water Act 1945 shall be—

(*a*) in the case of water used for watering a garden the sum of twenty shillings per annum ;

(*b*) in the case of water used for the purposes mentioned in paragraph (*b*) of the said subsection the sum of twenty-five shillings with an additional sum of ten shillings for each vehicle kept in excess of one.

As to value of two or more houses in one occupation.

66.—(1) Where there is communication otherwise than by a highway between buildings or parts of buildings in the occupation of the same person those buildings or parts of buildings shall if the Company so decide be treated for the purpose of charging water rates as one building having a gross estimated rental equal to the aggregate of their gross estimated rentals:

Provided that for the purposes of this section where water is supplied to a house within the curtilage of a factory and that water is used solely for the domestic purposes of occupants of the house the house shall not be treated as forming part of the factory.

(2) Any company body firm or person aggrieved by a decision of the Company under this section may appeal to a court of summary jurisdiction.

PART VII

MISCELLANEOUS

Copy of Act to be registered.

67. The limited company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the limited company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the limited company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily.

PART VII —*cont.*

There shall be paid to the registrar by the limited company on such copy being registered the like fee as is for the time being payable under the Companies Act 1948 on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Costs of Act.

68. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

SCHEDULES

FIRST SCHEDULE

STATEMENT OF CAPITAL

STATEMENT OF SHARE CAPITAL

1. Provisional Orders regulating the raising of capital	2. Description of capital	3. Maximum rate of dividend	4. Number of shares issued	5. Nominal amount issued	6. Premiums	7. Amount remaining to be issued	8. Total amount authorised
				£	£ s. d.	£ s. d.	£
The Herts and Essex Water Orders 1879 1885 1907 and 1932	Ordinary £10 shares	10 per centum	4,906	49,060	1,527 16 6		
	,, £10 ,,	7 ,, ,,	1,140	11,400			
	,, £10 ,,	5 ,, ,,	4,000	40,000	10,004 15 6		
	Preference £10 ,,	6 ,, ,, *	1,500	15,000			
	,, "A" £10 ,,	5 ,, ,,	1,754	17,540			209,000
	,, "B" £10 ,,	5½ ,, ,,	1,600	16,000			
	,, "C" £10 ,,	4 ,, ,,	2,000	20,000	559 12 4		
	,, "D" £10 ,,	4¾ ,, ,,	2,636	26,360	1,547 9 0		
			19,536	195,360	13,639 13 4	6 8	
The Herts and Essex Water Act 1944	Ordinary £10 ,,	5 ,, ,,	9,977	99,770	228 16 8	50,001 3 4	150,000
The Herts and Essex Water Order 1952	Redeemable Preference (1972) £10 ,,	5½ ,, ,,	15,000	150,000	2,775 18 4	447,224 1 8	600,000†
			44,513	£445,130	£16,644 8 4	£497,225 11 8	£959,000†

STATEMENT OF LOAN CAPITAL

Provisional Orders regulating the raising of capital	Description of loan capital	Rate per cent. of interest	Total amount borrowed	Remaining to be borrowed	Total amount authorised
			£	£	£
The Herts and Essex Water Orders 1879 1885 1907 1932 and 1952	Redeemable mortgage debentures	5 per centum	25,000	25,001	179,500
		3½ ,, ,,	44,000		
		4½ ,, ,,	72,499		
The Herts and Essex Water Acts 1921 and 1944	Mortgage debentures	5½ ,, ,,	13,000		
			£154,499	£25,001	£179,500†

NOTES: * Dividend limited to 5 per centum in the event of the ordinary dividend being less than 4 per centum.

† The 1952 Order provides that the Company may borrow on mortgage of the undertaking and/or by the creation and issue of debenture stock up to a limit of £200,000 subject to the capital powers authorised under that Order being reduced to the extent that such borrowing powers may have been exercised and also subject to such borrowings not exceeding at any time one-half of the capital raised under the powers of such Order.

SECOND SCHEDULE

PART I

THE ACTS AND ORDERS RELATING TO THE LIMITED COMPANY REPEALED

Herts and Essex Water Order 1879 confirmed by Gas and Water Orders Confirmation Act 1879 (42 & 43 Vict. c. clix).

Herts and Essex Water Order 1885 confirmed by Water Orders Confirmation Act 1885 (48 & 49 Vict. c. lxv).

Herts and Essex Water Order 1907 confirmed by Gas and Water Orders Confirmation (No. 2) Act 1907 (7 Edw. 7 c. cxiii).

Herts and Essex Water Act 1921 (11 & 12 Geo. 5 c. xx).

Herts and Essex Water Order 1932 confirmed by Ministry of Health Provisional Orders Confirmation (Elham Valley Water and Herts and Essex Water) Act 1932 (22 & 23 Geo. 5 c. lx).

Herts and Essex Water Act 1944 (7 & 8 Geo. 6 c. xii).

Herts and Essex Water Order 1952 (S.I. 1952 No. 1267).

PART II

PROVISIONS OF ACTS AND ORDERS RELATING TO THE LIMITED COMPANY SAVED FROM REPEAL (SUBJECT IN CERTAIN CASES TO MODIFICATIONS)

Herts and Essex Water Order 1879

Rates for supply for domestic purposes.

16. The undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet) furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exeeding the rates hereinafter specified (that is to say):—

Six pounds per centum per annum upon the annual rack rent or if not let at an annual rack rent upon the gross rateable value of the dwelling-house supplied and so in proportion for any longer or shorter period than a year:

Provided that the undertakers shall not be obliged to furnish any such supply for any less rate than twopence per week.

Herts and Essex Water Order 1907

For protection of Hertfordshire County Council.

10. For the protection of the county council of the administrative county of Hertford (in this section called "the county council") the following provisions shall notwithstanding and in addition to any other provisions in the Orders of 1879 and 1885 or this Order contained unless otherwise agreed in writing between the county council and the undertakers obtain and have effect (that is to say):—

* * * * *

(2) The undertakers shall unless prevented by unavoidable cause or accident or during necessary repairs whenever required by the county council supply to any public authority within so much of the limits of supply as is within the county of Hertford water by measure for the purposes set forth in section 37 of the Waterworks Clauses Act 1847 and also for the purposes of any light railways or tramways owned leased

2ND SCH. —*cont.*

or worked by the county council and also shall subject as aforesaid supply water by measure to court houses police stations and to school houses of elementary schools (as defined by the Elementary Education Act 1870) and to schools of art technical institutions and other higher educational institutions provided or aided by the county council at the fixed rate of one shilling per thousand gallons (exclusive of meter rent) Provided always that the undertakers shall not be bound to supply water for the purposes in this subsection mentioned unless such supply as aforesaid is required in or adjoining any street in which a main or pipe of the undertakers is or shall be laid and if and so long as such supply would in any way interfere with or unduly diminish the supply for domestic purposes within the part of the limits of supply aforesaid:

* * * * *

For protection of Metropolitan Water Board.

12. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall have effect (that is to say):—

(1) It shall not be lawful for the undertakers to supply in bulk or otherwise in any part or parts of the board's area of supply water derived from any source:

(2) The undertakers shall not take water from the river Lee or the river Stort.

Herts and Essex Water Act 1921

Increase of charges.

10.—(1) As from the quarter day which shall happen next after the passing of this Act the following sections of the Order of 1879 and of the Order of 1907 shall be amended as follows:—

Section 16 (Rates for supply for domestic purposes) of the Order of 1879 shall be read and have effect as if the words "sixteen pounds" "gross estimated rental" and "fourpence" were inserted therein instead of the words "six pounds" "gross rateable value" and "twopence" respectively.

* * * * *

Section 10 (For protection of Hertfordshire County Council) of the Order of 1907 shall be read and have effect as if the words "two shillings and sixpence" were inserted in subsection (2) thereof instead of the words "one shilling".

* * * * *

Price of supply by meter.

15. Subject to the provisions of this Act the price to be charged for a supply of water by meter shall not exceed four shillings per thousand gallons.

Cisterns to be provided for high level supplies.

17. The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity

2ND SCH. —*cont.*

of water sufficient to provide an adequate supply for such dwelling-house for a period of forty-eight hours and the Company shall not be required to supply any such dwelling-house until the same is provided with a cistern in conformity with the requirements of this section Provided that this section shall not apply to the portion of the limits of supply in the county of Hertford.

Herts and Essex Water Order 1932

Judges not disqualified.

26. 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 undertaking by reason of his being liable to the payment of any rate.

Recovery of penalties.

27. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against any such Act or Order and all penalties forfeitures costs and expenses imposed by or recoverable under such Act or Order or any byelaw made in pursuance of a power thereby conferred 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 in a summary manner:

Recovery of demands.

28. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking 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 a personal action.

Several sums in one summons.

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

Herts and Essex Water Act 1944

For protection of Metropolitan Water Board.

11. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Company and the board have effect (that is to say):—

(1) Notwithstanding anything in the foregoing provisions of this Act the Company shall not under the powers of this Act—

(*a*) construct or make any well shaft borehole heading adit or other work for collecting or abstracting water on the westerly side of a straight line drawn from the point of intersection in the parish of Roydon of the roads respectively leading from Didgemere Common to Eastend and from Roydon to Beaumont Hall to a point on the southern bank of the Stort navigation three hundred and forty feet measured due east from the eastern side of the lock-keeper's house at the lock shown on the deposited plan on the said navigation ; or

2ND SCH. —*cont.*

(*b*) extend enlarge or alter any such work as aforesaid so that any part thereof is situate on the westerly side of the said straight line:

(2) The aggregate quantity of water to be pumped by the Company by means of the borehole and pumping station (Work No. 1) by this Act sanctioned and confirmed and of the new works or any of them shall not on an average taken over any consecutive period of twenty-eight days each of twenty-four hours reckoned from midnight exceed the quantity of one million five hundred thousand gallons per day:

(3) The Company shall keep records of the quantity of water from time to time pumped by them as aforesaid and of the respective levels of water from time to time in the wells boreholes and shafts of which the construction is sanctioned and confirmed or authorised by this Act and such records shall at all reasonable times be open to the inspection of officers of the board who shall be at liberty to take copies thereof.

As to hardness of water supplied by Company.

19.—(1) Within a period of two years after such day as His Majesty may by Order in Council declare to be the day on which the emergency that was the occasion of the passing of the Emergency Powers (Defence) Act 1939 came to an end the Company shall instal and bring into use plant and apparatus for ensuring that all water pumped by the Company at their existing Sawbridgeworth pumping station or at the Roydon pumping station and supplied for domestic purposes shall not at any time exceed twelve and one-half degrees of hardness according to Clark's Scale.

(2) As from the date of bringing into use of the said plant and apparatus the water pumped by the Company at their said pumping stations and supplied for domestic purposes shall not at any time save in case of accident breakdown or any other cause beyond the control of the Company exceed the said degree of hardness.

(3) If the Company supply any water in contravention of the provisions of this section they shall be liable on conviction on information laid by or on behalf of the council of any county or county district having jurisdiction within the limits of supply to a penalty not exceeding ten pounds for every day on which such contravention occurs Provided that the Company shall not be liable to more than one penalty in respect of one and the same contravention.

* * * * *

As to provision of draw-off taps.

20. The Company shall provide and maintain draw-off taps at their existing Sawbridgeworth pumping station and at the Roydon pumping station from which taps the medical officer of health for the council of any county or county district having jurisdiction within the limits of supply or any person authorised in writing by any such medical officer shall be entitled at any time to take samples of water for examination and the taking of any such sample and the hours and date of such taking shall be immediately thereafter communicated to the Company and duplicates of every such sample handed to them.

2ND SCH. —*cont.*

For protection of Essex County Council.

21. For the protection of the county council of the administrative county of Essex (in this section referred to as "the council") the following provisions shall except so far as may be otherwise agreed in writing between the Company and the council apply and have effect:—

(1) In this section the signed plan means the plan which has been signed in duplicate by Messieurs T. & C. Hawksley on behalf of the Company and John E. Lightburn on behalf of the council one copy of which has been retained by the Company and the other by the council:

(2) Notwithstanding anything contained in this or any other Act the Company shall not except with the consent of the council erect or make or permit to be erected or made on the lands situate in the parish of Roydon in the rural district of Epping in the county of Essex delineated on the deposited plan and described in the deposited book of reference if acquired by them any building (other than boundary walls gates posts and fences) or any permanent excavation (other than workings which do not pierce the surface of the land) nearer to Harlow Road than the building line shown on the signed plan.

For mutual protection of Ernest Harold Wainwright and others and the Company.

22. For the mutual protection of Ernest Harold Wainwright or other the owner or owners for the time being of the lands coloured blue on the signed plan (in this section called "the blue lands") and of Humphrey Mackworth Paul and Beatrix Viscountess Aldenham or other the owner or owners for the time being of the lands coloured green on the said plan (in this section called "the green lands") respectively on the one hand (the said several owners being in this section referred to in relation to the blue lands or the green lands owned by them respectively as "the owner") and of the Company on the other hand the following provisions shall unless otherwise agreed in writing between the Company and the owner apply and have effect:—

(1) In this section "the signed plan" means the plan which has been signed in triplicate by Messieurs T. & C. Hawksley on behalf of the Company and by the said Ernest Harold Wainwright on behalf of himself and of the said Humphrey Mackworth Paul and Beatrix Viscountess Aldenham one copy of which has been retained by the Company and one by each of the said respective owners:

(2) The Company shall not acquire compulsorily under the powers of this Act any part of the green lands nor any part of the blue lands except so much of the blue lands as is cross-hatched in red on the signed plan:

(3) So much of the blue lands as is cross-hatched in red on the signed plan if acquired by the Company may be used by them for the deposit of sludge but such deposit shall not be raised to a height above the highest level of the said land:

2ND SCH. —*cont.*

(4) The owner shall not on any part of the green lands or on any part of the blue lands (including the portion of the blue lands cross-hatched in red on the signed plan if not acquired by the Company) construct at a greater depth than twenty-five feet below the surface of the ground any well or other work for taking or intercepting water.

As to application of Town and Country Planning Acts etc.

23. The provisions of the Town and Country Planning Act 1932 (in this section referred to as "the Act of 1932") the Town and Country Planning (Interim Development) Act 1943 and any interim development order or scheme made under either of those Acts or under any enactment repealed by the Act of 1932 and for the time being in force shall have effect with reference to the powers conferred by section 5 (Power to construct waterwork) and section 6 (Subsidiary works) of this Act as if this Act had been passed before the commencement of the Act of 1932.

Herts and Essex Water Order 1952

Company may incur temporary loans.

9.—(1) The Company may borrow or raise moneys for the purposes of meeting their obligations and carrying out their duties under the Herts and Essex Water Acts and Orders 1879 to 1952 on temporary loans by means of overdrafts from bankers or otherwise:

Provided that the aggregate amount so borrowed or raised outstanding at any time shall not exceed fifty thousand pounds.

(2) The power conferred by this section shall be in addition to any powers for the time being of the Company to borrow on mortgage or to raise moneys by the creation and issue of debenture stock.

Application amendment and repeal of local enactments.

10.—(1)

* * * * *

(3) Section 19 of the Act of 1944 (which makes provisions as to the hardness of water supplied by the Company) shall be read and have effect as if—

(*a*) the words from the beginning of the said section to the words "the Company shall" were omitted and the following words were substituted therefor "If the Minister of Housing and Local Government on the application of the Essex County Council shall so require the Company shall subject as hereinafter provided within a period of three years from such requirement";

(*b*) the word "existing" were deleted therefrom; and

(*c*) at the end of subsection (1) of the said section there were inserted the words "Provided that if at any time during the last year of the period aforesaid the Minister is satisfied that owing to circumstances beyond their control the Company have been and will be unable to comply with his requirement within the said period he may extend that period as he thinks fit."

THIRD SCHEDULE

DESCRIPTION OF LIMITS OF SUPPLY

In the county of Hertford—

The urban district of Sawbridgeworth.

In the rural district of Braughing—

Parish of High Wych.

In the county of Essex—

The urban district of Epping.

The rural district of Epping.

In the rural district of Dunmow—

Parishes of Great Hallingbury
Hatfield Broad Oak
Little Hallingbury.

In the rural district of Ongar—

Parishes of Abbess Roding
Beauchamp Roding
Bobbingworth
Chipping Ongar
Fyfield
Greensted
High Laver
High Ongar
Kelvedon Hatch
Lambourne
Little Laver
Moreton
Navestock
Shelley
Stanford Rivers
Stapleford Abbotts
Stapleford Tawney
Stondon Massey
Theydon Mount.

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Waterworks Clauses Act 1847	10 & 11 Vict. c. 17.
Companies Clauses Act 1863	26 & 27 Vict. c. 118.
Elementary Education Act 1870	33 & 34 Vict. c. 75.
Herts and Essex Water Order 1879 (confirmed by Gas and Water Orders Confirmation Act 1879)	42 & 43 Vict. c. clix.
Herts and Essex Water Order 1885 (confirmed by Water Orders Confirmation Act 1885) ...	48 & 49 Vict. c. lxv.
Herts and Essex Water Order 1907 (confirmed by Gas and Water Orders Confirmation (No. 2) Act 1907)	7 Edw. 7. c. cxiii.
Herts and Essex Water Act 1921	11 & 12 Geo. 5. c. xx.
Trustee Act 1925	15 & 16 Geo. 5. c. 19.
Town and Country Planning Act 1932	22 & 23 Geo. 5. c. 48.
Herts and Essex Water Order 1932 (confirmed by Ministry of Health Provisional Orders Confirmation (Elham Valley Water and Herts and Essex Water) Act 1932)	22 & 23 Geo. 5. c. lx.
Emergency Powers (Defence) Act 1939	2 & 3 Geo. 6. c. 62.
Town and Country Planning (Interim Development) Act 1943	6 & 7 Geo. 6. c. 29.
Herts and Essex Water Act 1944	7 & 8 Geo. 6. c. xii.
Water Act 1945	8 & 9 Geo. 6. c. 42.
Borrowing (Control and Guarantees) Act 1946...	9 & 10 Geo. 6. c. 58.
Companies Act 1948	11 & 12 Geo. 6. c. 38.

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