# CHAPTER liv.

An Act to extend the limits of supply of the Maidstone Waterworks Company to consolidate with amendments the provisions of the Maidstone Water Acts and Order 1860 to 1927 relating to the capital and borrowing powers of the Company to authorise the Company to construct new works and to raise additional money to confer further powers upon the Company and for other purposes. [12th July 1934.]

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WHEREAS the Maidstone Waterworks Company (in this Act called "the Company") were incorporated by the Maidstone Waterworks Act 1860 and are empowered to supply water within the limits in the county of Kent set forth in the said Act and in the Maidstone Waterworks Act 1863:

And whereas it is expedient that the limits within which the Company may supply water should be extended:

And whereas the demand for water within the existing limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand and to supply water in the limits of supply as extended by this Act it is expedient that the Company should be empowered to make and maintain the works hereinafter described:

And whereas the provisions of the Maidstone Water Acts and Order 1860 to 1927 relating to the capital and

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borrowing powers of the Company are numerous and many thereof have been superseded by subsequent legislation and it is expedient to consolidate such of the said provisions as are still in force and to make such amendments thereto as are contained in this Act:

And whereas a statement showing the capital of the Company and the amounts authorised to be raised raised and remaining to be raised by them on mortgage or by the creation and issue of debenture stock is set forth in the First Schedule to this Act:

And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys for the purposes of this Act and of their undertaking and that such other financial provisions should be made as are in this Act contained:

And whereas it is expedient that such further powers should be conferred upon the Company and that such other provisions should be made as are in this Act contained:

And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the said works and sections showing the levels of such works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the county of Kent and are in this Act respectively referred to as the deposited plans sections and book of reference:

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 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 (that is to say):—

## PART I.

## PRELIMINARY.

Short and collective titles.

**1.**—(1) This Act may be cited as the Maidstone Waterworks Act 1934.

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(2) The Maidstone Waterworks Act 1860 the Maidstone Waterworks Act 1863 the Maidstone Water Order 1874 the Maidstone Waterworks Act 1882 the Maidstone Waterworks Act 1885 the Maidstone Waterworks Act 1927 and this Act may be cited together as the Maidstone Water Acts and Order 1860 to 1934.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Extension of limits of supply.

Part III.—Works and lands.

Part IV.—Capital borrowing powers and other financial provisions &c.

Part V.—Administrative provisions.

Part VI.—Supply of water &c.

Part VII.—Miscellaneous provisions.

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 the Maidstone Water Acts and Order 1860 to 1934) are hereby incorporated with this Act (namely) :—

(1) The Waterworks Clauses Acts 1847 and 1863 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 of the first mentioned Act :

(2) The Lands Clauses Acts :

Provided that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party :

Provided also that section 34 of the Lands Clauses Consolidation Act 1845 shall be read and have effect subject to the following proviso in all cases in which notice of the effect of such

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proviso accompanies any offer of purchase money and compensation made by the promoters of the undertaking :—

Provided that in the event of a party to whom a sum shall have been offered by the promoters of the undertaking at least ten days before the commencement of the hearing before the arbitrator failing within ten days of the making of the offer to notify the promoters of the undertaking in writing that he accepts the same all the costs and expenses of the promoters of the undertaking of and incidental to the arbitration incurred by them after the date of the offer shall in the event of his subsequently accepting such offer be borne by him including any fees and expenses of the arbitrator :

(3) The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital :

(4) 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 :

Provided that in the application to the Company of the said Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words "and to the same amount as" were omitted therefrom.

Interpretation.

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

And in this Act—

"The Company" means the Maidstone Waterworks Company ;

"The Act of 1863" means the Maidstone Waterworks Act 1863 ;

"The Act of 1927" means the Maidstone Waterworks Act 1927;

"The existing limits of supply" means the area within which the Company are by the Maidstone Waterworks Act 1860 and the Act of 1863 authorised to supply water;

"The added limits of supply" means the areas added by this Act to the existing limits of supply;

"The limits of supply" means the limits for the time being of the Company for the supply of water;

"The new waterworks" means the works described in subsection (1) of the section of this Act of which the marginal note is "Power to make works";

"The works" means the works authorised by this Act;

"The deposited plans" "the deposited sections" and "the deposited book of reference" mean respectively the plans sections and book of reference deposited with the clerk of the county council of the county of Kent in relation to the Bill for this Act;

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

"The directors" means the directors of the Company;

"Employee" means any workman servant or officer of the Company but does not include a director other than a managing director and a director appointed under the section of this Act of which the marginal note is "Appointment of officers as directors."

## PART II.

### EXTENSION OF LIMITS OF SUPPLY.

Extension of limits of supply.

**5.**—(1) The limits within which the Company may supply water and exercise the powers conferred upon them by the Maidstone Water Acts and Order 1860 to 1934 shall extend to and include in addition to the

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existing limits of supply the parish of Detling in the rural district of Hollingbourn the parish of West Farleigh in the rural district of Maidstone so much of the parish of Barming in the said rural district of Maidstone as immediately prior to the first day of April nineteen hundred and thirty-four was comprised in the parish of West Barming and so much of the borough of Maidstone and the parish of Boxley in the said rural district of Hollingbourn as immediately prior to the first day of April nineteen hundred and thirty-four was comprised in the parish of Allington in the rural district of Malling all in the county of Kent.

(2) Subject to the provisions of this Act the Company—

(*a*) within so much of the added limits of supply as is comprised within the borough of Maidstone shall have and may exercise all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they have and are subject to within so much of the existing limits of supply as is referred to in the Act of 1863 as "the original limits"; and

(*b*) within the remainder of the added limits of supply shall have and may exercise all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they have and are subject to within so much of the existing limits of supply as is referred to in that Act as "the extended limits."

(3) The Company may continue maintain and use any water mains pipes and other works belonging to or vested in them at the date of the passing of this Act within the added limits of supply as if the same had been laid down or constructed under the powers of this Act and the provisions of the Maidstone Water Acts and Order 1860 to 1934 shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

Local authority &c. may supply if Company do not.

**6.** If after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of the Maidstone Water Acts and Order 1860 to 1934 in any parish or

part of a parish within the added limits of supply the local authority of the district comprising such parish or part of a parish may provide a supply in such parish or part of a parish in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of providing such a supply and for the repeal of the powers of the Company in that behalf.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any parish or part of a parish such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

## PART III.

## WORKS AND LANDS.

Power to make works.

**7.**—(1) Subject to the provisions of this Act the Company may in the county of Kent in the lines or situations and in upon or under the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain—

In the parish of Boxley in the rural district of Hollingbourn—

Work No. 1 A well and pumping station in the enclosure numbered 112 in the said parish on the 1/2500 Ordnance map Kent sheet XXXI.12 (edition of 1908);

Work No. 2 A reservoir in the said enclosure numbered 112;

Work No. 3 A line or lines of pipes commencing at or in the said pumping station (Work No. 1) and terminating at or in the said reservoir (Work No. 2):

In the said parish of Boxley and the borough of Maidstone—

Work No. 4 A line or lines of pipes commencing in the said parish of Boxley at or in

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the said reservoir (Work No. 2) and terminating in the borough of Maidstone by a junction with the existing pipes of the Company at or near the junction of Faith Street and Waterside.

(2) In addition to the foregoing works the Company may in upon or under the said lands make and maintain all such 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 section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Works to form part of undertaking.

**8.** Subject to the provisions of this Act the works shall for all purposes whatsoever form part of and be comprised in the undertaking.

Limits of deviation.

**9.** In the construction of any of the new waterworks or any part of any of such works the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards:

Provided that—

(*a*) except for the purposes of crossing over a stream no part of Work No. 4 authorised by this Act shall be raised above the surface of the ground;

(*b*) in the construction of the said Work No. 4 the Company shall not without the consent of the mayor aldermen and burgesses of the borough of Maidstone (which consent shall not be unreasonably withheld) deviate upwards in such a manner as to cause any part of such work to be situate at a depth of less than two feet six inches below the surface of any street within the said borough.

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Power to take waters.

**10.** 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 such streams springs and waters which will or may be taken or intercepted by means of the works.

For protection of the stream in Boxley.

**11.**—(1) For the purpose of measuring the water flowing down the stream rising immediately to the south of the churchyard in the parish of Boxley the Company shall as soon as reasonably practicable after obtaining the grant to them without payment of all such easements and facilities as may be necessary (which grant the Company shall use their best endeavours to obtain) erect and maintain a proper and sufficient measuring gauge and indicating apparatus in the said stream immediately above the point where such stream enters the grounds of Boxley Vicarage in the said parish and the said gauge and apparatus shall subject to all necessary consents of the owners lessees and occupiers of the lands over which access is required for the purpose be open at all reasonable times to the inspection and examination of all persons interested in the flow of the said stream.

(2) (i) If it shall be proved to an arbitrator (to be appointed as hereinafter mentioned) by any person interested in the flow of the said stream that the pumping by the Company at Work No. 1 authorised by this Act during the construction or after the completion of that work has caused the flow of water in the said stream over the said gauge to be diminished below the rate of twenty-five thousand gallons per day of twenty-four hours the Company shall from and after the completion of the works referred to in paragraph (ii) of this subsection from time to time discharge into the said stream immediately above the said gauge such quantity of water as will make good any diminution of the flow below the said rate.

(ii) The Company shall as soon as reasonably practicable after such proof as aforesaid has been given to the said arbitrator and after obtaining the grant to them without payment of all such easements and facilities as may be necessary (which grant the Company shall use their best endeavours to obtain) construct all such works (in this section referred to as "the discharge works") as may be necessary to enable them to discharge water into the said stream as aforesaid.

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(3) Notwithstanding the foregoing provisions of this section the Company shall not be liable to discharge water into the said stream under this section if the owner lessee or occupier of any land adjoining the said stream shall after reasonable demand refuse to afford to the officers servants or other representatives of the Company at all reasonable times access to the said gauge and apparatus and to the discharge works.

(4) The Company shall not be subject to the obligations of subsection (2) of this section as to the discharge of water if prevented from discharging water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(5) In the case of any neglect on the part of the Company after erection of the said gauge and apparatus to maintain the same in a state of efficiency and in case of any other neglect by or in consequence of which the said diminution of flow shall not be made good in accordance with the provisions of this section the Company shall pay to any person who shall sustain any loss damage or injury by such diminution of flow and shall sue for and recover the same the sum of two pounds for every day on which such neglect occurs.

(6) Any question dispute or difference which may arise between the Company and any other person interested in the flow of the said stream with respect to the effect of the pumping by the Company as aforesaid or the state of efficiency or condition of the said gauge or apparatus 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 Act 1889 shall apply to any such arbitration.

For protection of existing wells springs &c.

**12.**—(1) If it shall be proved by the owner (which term in this section includes any lessee or occupier) of any well or spring (other than a spring feeding the stream referred to in the section of this Act of which the marginal note is " For protection of the stream in Boxley " above the gauge referred to in that section) which is situate within the distance of one mile from the well forming part of Work No. 1 authorised by this Act and exists at the passing of this Act as an effective source of supply in regular use that the pumping by the Company at the said

Work No. 1 during the construction or after the completion of that work has caused through no default of the owner a diminution or cesser of the supply of water in such well or spring the Company shall on the written request of the owner afford to him 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 owner of obtaining the full supply he had theretofore enjoyed shall not be more after than before the occurrence of such diminution or cesser and on such other terms as may be agreed or failing agreement as may be settled by arbitration as hereinafter provided:

Provided that the Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well or spring the water from which was before the diminution or cesser so polluted as to be or to be likely to be injurious or dangerous to health.

(2) The Company shall not be liable in respect of any claim made by the owner under this section if such owner shall after reasonable demand refuse to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to the well or spring in respect of which the claim is made and facilities for ascertaining particulars thereof and the level and quantity or rate of flow of the water therein.

(3) The Company shall not be subject to the obligations of subsection (1) of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

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

(5) The owner shall grant to the Company without payment all such easements and facilities 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.

(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 as aforesaid in any such well deepen such well or make such

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borings therein or headings therefrom as will increase the supply therefrom so as to make good the said diminution or cesser and the owner shall without payment grant to the Company such easements and facilities as may be necessary for or in connection with the carrying out of such deepenings borings or headings.

(7) The Company may (if they think fit) in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(8) Any question dispute or difference which may arise between the Company and the owner 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 Act 1889 shall apply to any such arbitration.

(9) The Company and the owner may enter into and fulfil agreements with reference to the supply of water by the Company to such owner 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 so far as they relate to such owner or to the Company in relation to such owner.

Provisions as to purification of water.

**13.**—(1) The Company shall before supplying for domestic purposes any water pumped collected impounded taken diverted or appropriated from the well forming part of Work No. 1 authorised by this Act so treat the same as to make it comply with such standard of purity as may from time to time be prescribed by the Minister of Health.

(2) Except so far as the Minister of Health may otherwise permit all such water shall be efficiently chlorinated to the satisfaction of the Minister of Health.

Period for completion of works.

**14.** If the new waterworks are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act

granted for the making of the new waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising from time to time as occasion may require any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act. A.D. 1934.

Temporary stoppage of streets &c.

**15.**—(1) Subject to the provisions of this Act the Company during the execution and for the purposes of any of the works may break up and also temporarily stop up and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any premises in the street from passing along and using the same.

(2) The Company shall provide reasonable access for foot passengers bona fide going to or returning from any such premises.

Power to acquire lands.

**16.** Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works or of the undertaking.

Period for compulsory purchase of lands.

**17.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the first day of October nineteen hundred and thirty-seven.

For protection of Maidstone Corporation.

**18.** For the protection of the mayor aldermen and burgesses of the borough of Maidstone (in this section called "the corporation") the following provisions shall unless otherwise agreed to in writing between the Company and the corporation apply and have effect with respect to the exercise in the borough of Maidstone of the powers of this Act relating to the works (that is to say):—

(1) Section 30 of the Waterworks Clauses Act 1847 shall (except in cases of leakage bursting or other emergency) have effect in relation to the corporation as if the word "seven" were

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substituted for the word "three" in that section:

(2) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and (except in cases of leakage bursting or other emergency) shall be delivered to the corporation by the Company not less than seven days before the Company commence to open or break up the street or bridge to which the plan and section relate:

(3) The powers conferred upon the Company by the section of this Act of which the marginal note is "Temporary stoppage of streets &c." shall not be exercised in the borough of Maidstone except with the consent of the corporation and subject to such terms and conditions as the corporation may reasonably impose but such consent shall not be unreasonably withheld and any question as to whether in any case such terms and conditions are unreasonable or as to whether such consent is unreasonably withheld shall be determined by the arbitration of a single arbitrator to be appointed by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Kent County Council.

**19.** For the protection of the county council of the administrative county of Kent (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Company have effect with respect to the execution of any works under or the exercise in or affecting any highway or bridge of any of the powers of this Act (that is to say):—

(1) In this section—

"highway" means a county road vested in or repairable by the county council;

"bridge" means a bridge vested in or repairable by the county council;

"apparatus" includes any line of pipes discharge pipe post wire conductor or other works;

"the surveyor" means the surveyor to the county council:

(2) All apparatus (other than replacements of existing apparatus in the same position as the apparatus replaced) to be laid in or along any highway or in the soil or pavement of any bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of the surveyor may reasonably direct:

(3) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (save in cases of leakage bursting or other emergency when as long notice shall be given as is reasonably practicable)—

(*a*) in the case of a bridge be fourteen clear days instead of three clear days; and

(*b*) in the case of a highway be seven clear days instead of three clear days:

(4) The plan required by section 31 of the Waterworks Clauses Act 1847 shall in the case of any highway or bridge be accompanied (where applicable) by a section of the proposed works and shall be delivered to the county council not less than in the case of a bridge fourteen clear days and in the case of a highway seven clear days before the Company commence to execute the works and any difference respecting such plan or section or the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31:

(5) Nothing in this Act shall interfere with the right of the county council to alter the levels of or deviate or improve any highway or to remove alter rebuild widen or repair any bridge in over or attached to which any apparatus of the Company shall have been laid in the same manner as if this Act had not been passed and the Company shall with all reasonable speed after receiving notice in writing under the hand of the surveyor alter the position of any such apparatus in such manner and to such extent as

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the county council may reasonably require Provided that the cost of carrying out any works necessary for the purpose of complying with any requirement of the county council pursuant to the foregoing provisions of this subsection—

(i) in the case of the alteration of the levels or deviation or improvement of any highway shall be repaid to the Company by the county council;

(ii) in the case of the removal alteration rebuilding widening or repair of any bridge shall be borne and paid by the company:

Provided also that during any such alteration of levels or other alteration deviation improvement removal rebuilding widening or reparation of such highway or bridge as aforesaid the county council shall afford all reasonable facilities to enable the Company to carry temporarily their apparatus so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus:

(6) All works of the Company shall be so executed by the Company as not to stop except to the extent authorised by this Act nor unreasonably to impede or interfere with the traffic on any highway or bridge and the Company shall not without the consent of the surveyor (which consent shall not be unreasonably withheld) open or break up at any one time a greater continuous length than one hundred yards of any highway or leave an interval of less than one hundred yards between any two places at which the Company may open or break up such highway:

(7) The county council shall not be liable for or in respect of any damage or injury done to any mains pipes or other works of the Company laid or executed in or along any highway or in the soil or pavement of any bridge by reason of such mains pipes or other works being laid or executed at a depth below the surface of any road or the roadway over any bridge insufficient for their

protection from injury arising from the reasonable use by the county council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or of any traction engine not exceeding the weight aforesaid:

(8) Any difference which may arise between the county council and the Company under the foregoing provisions of this section and any matter required by the foregoing provisions of this section to be determined by arbitration shall be referred to and determined by an arbitrator 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 subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference:

(9) The powers conferred upon the Company by the section of this Act of which the marginal note is "Temporary stoppage of streets &c." shall not be exercised in relation to any highway outside the borough of Maidstone except with the consent of the county council and subject to such terms and conditions as the county council may reasonably impose but such consent shall not be unreasonably withheld and any question as to whether in any case such terms and conditions are unreasonable or as to whether such consent is unreasonably withheld shall be determined by the arbitration of a single arbitrator to be appointed by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Compensation in case of recent improvements &c.

**20.** In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the thirty-first day of October nineteen hundred and thirty-three if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor

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in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands by the Company.

Power to Company to enter upon property for survey and valuation.

**21.** The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Cost of arbitration in certain cases.

**22.** The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the court after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to the court may seem just and proper in all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Private rights of way over lands taken compulsorily.

**23.** All private rights of way over any lands which may be acquired compulsorily under the powers of this Act shall as from the date of the acquisition of such lands be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts (as modified by this Act) with reference to the taking of lands otherwise than by agreement.

Acquisition of lands by agreement.

**24.** In addition to any lands which the Company are by any other provisions of the Maidstone Water Acts and Order 1860 to 1934 authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement in over or under any such lands or otherwise but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed thirty acres Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Persons under disability may grant easements &c.

**25.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Company may acquire certain easements compulsorily.

**26.** Notwithstanding anything in this Act the Company may purchase and acquire an easement or right of constructing maintaining renewing and using or removing the works in under or over any railways rivers navigations and commons and commonable lands without

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the Company being obliged or compellable to purchase any greater interest in under or over the same respectively and the provisions of the Lands Clauses Acts (as modified by this Act) with respect to lands shall extend and apply to such easement or right as if the same were lands within the meaning of those Acts.

Power to acquire easements in lieu of lands.

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

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

(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they had given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Power to purchase lands already subject to easements.

**28.** Where under the powers of this Act the Company have acquired or shall acquire any easement or right in under or through any lands for the construction of any pipe or other similar work the Company may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such pipe or other similar work.

Correction of errors in deposited plans and book of reference.

**29.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners

lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the county council of the county of Kent and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

Application of Waterworks Clauses Act 1847 to telephones.

**30.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street within the limits of supply of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of the undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided also that nothing in this section shall authorise the breaking up of any street repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld.

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## PART IV.

## CAPITAL BORROWING POWERS AND OTHER FINANCIAL PROVISIONS &c.

Interpretation for purposes of Part IV of Act.

**31.** In this Part of this Act—

"existing" means existing at the passing of this Act.

Capital.

**32.** The capital of the Company shall be two hundred and thirty thousand eight hundred and twenty-six pounds consisting of—

(1) Eighty-nine thousand six hundred pounds the nominal amount of the existing consolidated ordinary stock of the Company:

(2) Twenty-eight thousand four hundred pounds the nominal amount of the existing five per centum preference stock of the Company:

(3) Fifty-five thousand one hundred and ten pounds the nominal amount of the existing four per centum preference stock of the Company:

(4) Twelve thousand seven hundred and sixteen pounds the capital referred to in the section of this Act of which the marginal note is "As to unexercised powers of raising capital":

(5) Forty-five thousand pounds the additional capital authorised by this Act.

As to existing consolidated ordinary stock.

**33.** Notwithstanding the repeals effected by this Act the said existing eighty-nine thousand six hundred pounds of consolidated ordinary stock of the Company shall continue to be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as affected the same and every deed or other instrument relating to and every testamentary or other disposition of or affecting that stock made before the passing of this Act shall take effect as if this Act had not been passed.

Dividend on different classes of existing preference stock and

**34.**—(1) There is assigned to the existing five per centum preference stock of the Company a fixed preferential dividend at the rate of five per centum per annum out of the profits of each year in priority to the consolidated ordinary stock of the Company.

(2) There is assigned to the existing four per centum preference stock of the Company a fixed preferential dividend at the rate of four per centum per annum out of the profits of each year in priority to the consolidated ordinary stock of the Company. A.D. 1934. — ranking of those classes.

(3) In case in any year ending on the thirty-first day of December there are not profits available for the payment of the full amount of preferential dividend for that year on each class of the existing preference stock of the Company no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

(4) Save as otherwise expressly provided by this Act the existing five per centum preference stock of the Company and the existing four per centum preference stock of the Company shall confer upon the holders thereof the same rights in all respects inter se.

**35.**—(1) Notwithstanding the repeals effected by this Act the Company shall continue to be authorised from time to time to raise capital (in this Part of this Act referred to as "the unissued capital") not exceeding in the whole twelve thousand seven hundred and sixteen pounds being the balance of the amount authorised by the Act of 1927 to be raised but not yet raised. As to unexercised powers of raising capital.

(2) The unissued capital may be raised by the Company by the creation and issue of further amounts of consolidated ordinary stock or by the creation and issue of preference shares or stock or wholly or partly by one or more of those modes respectively.

(3) It shall not be lawful for the Company to create and issue any greater nominal amount of capital for the purposes of this section than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the sale thereof the sum of twelve thousand seven hundred and sixteen pounds.

**36.**—(1) The Company may also from time to time raise additional capital (in this Part of this Act referred to as "the additional capital") not exceeding in the whole forty-five thousand pounds by the creation and issue of further amounts of consolidated ordinary stock or by the creation and issue of preference shares or stock Additional capital.

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or wholly or partly by one or more of those modes respectively.

(2) It shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the sale thereof the sum of forty-five thousand pounds.

New and existing preference shares or stock may be of same class.

**37.** The Company may if they think fit raise by the creation and issue of preference shares or stock ranking pari passu with the existing five per centum preference stock of the Company or the existing four per centum preference stock of the Company all or any capital which by this Act or any subsequent Act or Order they are for the time being authorised to raise by the creation and issue of preference shares or stock.

Unissued and additional capital to be part of general capital.

**38.** The unissued capital and the additional capital created by the Company shall form part of the general capital of the Company and save as is otherwise expressly provided by this Act the holders thereof respectively in proportion to the amount of their shares or stock shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as holders of other shares or stock of the Company of the same class or description.

Dividends on consolidated ordinary stock.

**39.** The maximum dividend payable on the consolidated ordinary stock of the Company in respect of any year shall be at the rate of five per centum per annum which rate shall be deemed to be the prescribed rate for the purposes of the Waterworks Clauses Act 1847.

Limit of dividend on preference shares or stock.

**40.** The Company shall not in respect of any year pay out of their profits any larger dividend on any preference shares or stock issued by them after the passing of this Act than six pounds in respect of every one hundred pounds of such shares or stock.

As to dividends on different classes of preference shares or stock.

**41.** The holders of preference shares or stock in the capital of the Company for the time being issued to which different rates of dividend are or shall be assigned shall be entitled in each year to receive dividends on the amount for the time being paid up thereon pari passu up to and until the respective rates of dividend

assigned to such shares or stock have respectively been reached. A.D. 1934.

Sale of shares or stock by auction or tender.

**42.**—(1) Save as otherwise expressly provided by this Act all consolidated ordinary stock and preference shares or stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine Provided as follows :—

(*a*) Notice of the intended sale shall be given in writing to the town clerk of Maidstone and to the clerk of the council of every urban or rural district wholly or partly included within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;

(*b*) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened until after the day of auction or last day for the reception of tenders as the case may be;

(*c*) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and a bid (other than the first bid) shall not be recognised unless it is in advance of the last preceding bid;

(*d*) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of consolidated ordinary stock or preference shares or stock of the Company may be accepted in preference to the

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offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee or of any consumer of water supplied by the Company;

(*e*) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of consolidated ordinary stock and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only:

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of any class of shares or stock applied for shall exceed the amount thereof so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister of Health stating the total amount of each class of shares or stock sold the total amount (if any) obtained as premium and the highest and lowest price obtained for each class of shares or stock.

Special provision for benefit of small investors.

**43.** Notwithstanding anything in any Act relating to the Company the directors may with the approval of a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each future issue of consolidated ordinary stock or preference shares

or stock of the Company for exclusive offer in the first instance to consumers of water supplied by the Company and to the employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe:

Provided that every allotment of shares or stock under this section shall be at a price not less than the reserve price at which the like class of shares or stock of the same issue shall be offered under the provisions of the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender."

Sale of shares or stock to employees and consumers at a fixed price.

**44.** When any consolidated ordinary stock or preference shares or stock are to be issued by the Company and whether any of the shares or stock of the Company are at a premium or not the Company before or in lieu of offering the same for sale by public auction or tender may with the previous approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose offer such consolidated ordinary stock or preference shares or stock to the employees and to the consumers of water supplied by the Company at not less than the average price (after due allowance made for any enhancement in price by reason of any accrued dividend) at which according to the books of the Company sales of shares or stock of the same class were effected within the period of six months immediately preceding the date of application by the Company for such approval as aforesaid.

Power to offer shares or stock for subscription by public.

**45.** Notwithstanding anything in any Act relating to the Company the Company may with the approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose offer for subscription by the public any consolidated ordinary stock or preference shares or stock which they may for the time being be authorised to issue.

Provisions as to payment of commission on sale of shares or stock.

**46.** The Company when consolidated ordinary stock or preference shares or stock are to be offered for sale may with the approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing

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or agreeing to subscribe whether absolutely or conditionally for any such shares or 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 offer for sale of the shares or stock; and

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

Power to borrow.

**47.**—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the capital raised by the Company before the passing of this Act any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) eighty-six thousand five hundred and fifty-five pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any capital raised by them after the passing of this Act any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing has been so raised and in the case of any capital raised by the issue of redeemable preference shares or stock has not been redeemed by paying off the shares or stock But no sum shall be borrowed in respect of any such capital other than capital raised by the issue of shares or stock allotted under the provisions of the section of this Act of which the marginal note is " Special provision for benefit of small investors " 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 amounts payable in respect of such capital together with the premiums (if any) realised on the sale thereof has been fully paid up.

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Debenture stock.

**48.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Company but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or Order or this Act or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank pari passu (without respect to the dates of the securities or of the Act or Order or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

**49.** All money raised or to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of the Maidstone Water Acts and Orders 1860 to 1927 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works of the Company or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of principal moneys secured by existing mortgages.

**50.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act or Order before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted after the passing of this Act.

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Limit of interest on borrowed money.

**51.** The Company shall not pay interest at a rate higher than three pounds per centum per annum in excess of the bank rate which is current at the time of borrowing or raising in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under this Act.

Appointment of receiver.

**52.** 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 ten thousand pounds whichever is the less.

Redeemable preference shares or stock and debenture stock.

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

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

"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 necessary 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 to be paid-up capital for the purposes of any enactment regulating the borrowing powers of the Company.

(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.

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(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender."

Nominal value of shares.

**54.** The Company shall not issue any share of less nominal value than one pound.

Minimum holdings of stock and debenture stock.

**55.**—(1) All consolidated ordinary and preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or a multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any consolidated ordinary or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or a multiple of one pound of consolidated ordinary or preference stock or debenture stock.

(2) Notice of this enactment as far as applicable shall be stated in all certificates of consolidated ordinary and preference stock and debenture stock of the Company (as the case may be) issued after the passing of this Act.

Application of money.

**56.**—(1) All money raised under the Maidstone Water Acts and Orders 1860 to 1927 or this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

(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 under the Maidstone Water Acts and Orders 1860 to 1927.

Limitation on carry forward.

**57.** It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say) :—

(*a*) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;

(*b*) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and

(*c*) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

Reserve fund.

**58.**—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in investments in which trustees are authorised by law to invest and the dividends and interest arising from such investments may also be invested in the same or like investments in order that the same may accumulate at compound interest The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

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(4) The amount standing to the credit of the reserved fund of the Company at the passing of this Act shall be credited to the reserve fund authorised by this section.

Limit on contingency fund.

**59.**—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised.

(2) The amount standing to the credit of such contingency fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised.

## PART V.

### ADMINISTRATIVE PROVISIONS.

Quorum for general meetings.

**60.** The quorum for a general meeting (whether ordinary or extraordinary) shall be shareholders holding in the aggregate not less than one thousand five hundred pounds in nominal value of the capital of the Company to which voting rights are attached and being present in person in number not less than seven.

Voting rights.

**61.**—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of consolidated ordinary stock and of any preference shares or stock to which voting rights are attached by the resolution creating them shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete ten pounds in the nominal value of the said shares or stock held by him beyond ten pounds.

(2) Where a corporation being a holder of shares or stock to which voting rights are attached is present by a proxy who is not a shareholder in the Company such proxy shall be entitled to vote for such corporation on a show of hands.

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

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Proof of majority of votes only required when poll demanded.

**62.** At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

As to appointment of proxies.

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

Provided that the instrument appointing the attorney or if it has been deposited in the central office of the Supreme Court an office copy thereof shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Company not bound to regard trusts.

**64.** The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any shares or stock or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any shares or stock or debenture stock of the Company as if such shares or stock or debenture stock were shares to which that section applies.

Receipts of minors.

**65.** If any money is payable to a mortgagee or debenture stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

Substitution of card index for shareholders' address book.

**66.** Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several shareholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

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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 shares or 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 share stock debenture stock dividend or interest represented thereby.

Number of directors.

**68.** Subject to the provisions of this Act the number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than eight or less than five.

Appointment of officers as directors.

**69.**—(1) The directors may at any time appoint any chief engineer general manager or secretary of the Company to be a director and for such purpose the number of directors prescribed by or under the section of this Act of which the marginal note is "Number of directors" shall be deemed to be increased by one so long as the director who has been so appointed is in office as a director:

Provided that—

(*a*) in no event shall there be at the same time more than one such person holding office as a director by virtue of the provisions of this section; and

(*b*) any person so appointed shall unless the appointment is approved at the next ordinary general meeting of the Company after such appointment by a majority of the votes of the proprietors of the Company present personally or by proxy and entitled to vote and voting at the meeting cease to be a director as from the date of that meeting.

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(2) Any person appointed as a director under the provisions of this section shall not be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but he shall cease to be a director upon ceasing to hold his position as chief engineer general manager or secretary as the case may be.

Vacation of office of director.

**70.** If any of the directors shall be made bankrupt or shall go to reside abroad for a longer period than six months or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Half-yearly dividends.

**71.**—(1) If and so long as the ordinary meetings of the Company shall be held once only in each year (in this section referred to as "the annual general meeting")—

(*a*) the directors may on or after the thirtieth day of June in any year without the sanction or direction of a general meeting declare and pay out of the funds of the Company applicable to dividend a dividend in respect of the half-year ended on the said thirtieth day of June on any class of shares or stock in the capital of the Company at such rate per centum per annum as the directors may think fit but no such rate shall as respects any consolidated ordinary stock be greater than five per centum per annum or as respects any preference shares or stock be greater than the preferential annual rate of dividend assigned to such shares or stock;

(*b*) section 116 of the Companies Clauses Consolidation Act 1845 shall in its relation to the Company be read and have effect as if the words "preceding year" were substituted therein for the words "preceding half-year."

(2) When in respect of any such half-year as aforesaid the directors exercise the powers conferred by

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paragraph (*a*) of subsection (1) of this section the only dividend (if any) to be declared at the next following annual general meeting on any class of shares or stock in the capital of the Company in relation to which such powers were exercised shall be a dividend in respect of the half-year ending next before the date of such annual general meeting at such rate as the Company may approve not exceeding the rate of dividend requisite to enable the Company to pay in the case of any consolidated ordinary stock the balance of the dividend which can lawfully be paid in respect of such stock and in the case of any preference shares or stock the balance of the dividend payable in respect of the year in which such half-year occurs at the preferential annual rate assigned thereto and section 120 of the Companies Clauses Consolidation Act 1845 shall in its application to the Company be read and have effect accordingly.

Auditors.

**72.**—(1) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(2) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

## PART VI.

### SUPPLY OF WATER &C.

As to charges in portion of borough of Maidstone.

**73.** As from the first day of January nineteen hundred and thirty-five section 7 (Power to take limited differential rents for water in extended districts) of the Act of 1863 shall cease to have effect in relation to so much of the limits of supply as is at the passing of this Act comprised in the borough of Maidstone.

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Rates payable by owners of small houses.

**74.**—(1) Where the net annual value of a house supplied with water does not exceed fifteen 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 the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Charges for supply by hose-pipe.

**75.**—(1) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used shall be taken by meter and paid for accordingly.

(2) Section 71 (Charges for hose pipes) of the Act of 1927 shall be read and have effect as if the words "(except where the water so used is taken by meter)" were inserted therein after the word "charge."

Charges for supplies for refrigerating apparatus &c.

**76.** Where a person who takes a supply of water for domestic purposes from the Company desires to use any of the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleaning cooling regenerating motive power or similar purposes) depending while in use upon a supply

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of continuously running water the Company shall be entitled to require that all water so used shall—

(*a*) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the consumer and the Company.

Amendment of section 67 of Act of 1927.

**77.** Section 67 (Supply to houses partly used for trade &c.) of the Act of 1927 shall be read and have effect as if at the end of subsection (1) thereof there were inserted the words—

"or (*c*) any school club assembly hall hotel public house inn restaurant or nursing home or other institution;

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

Minimum charges for certain supplies by meter.

**78.**—(1) Notwithstanding anything in any Act or Order relating to the Company the minimum quarterly charge (exclusive of meter rent) for a supply of water by meter to any of the premises mentioned in section 67 (Supply to houses partly used for trade &c.) of the Act of 1927 as amended by this Act shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same annual value.

(2) Nothing in section 67 of the Act of 1927 nor in this section shall prejudice or affect the rights of the committee of visitors of the Kent County Mental Hospital or their successors under section 22 (As to the supply of water to the Kent County Lunatic Asylum and to the county gaol) of the Maidstone Waterworks Act 1860 or under section 24 (Providing for additional supply of water for use of asylum and gaol) of that Act as amended by section 70 (Amending section 24 of Act of 1860) of the Act of 1927.

Recovery of rates from persons removing.

**79.** If a justice is satisfied on complaint by any collector of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises

the justices may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Cisterns.

**80.** The Company may require that any dwelling-house erected after the passing of this Act in the parish of Boxley and situate on land at a higher level than fifty feet below the service reservoir or tank 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 of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Stop-cocks &c. to be fitted in communication pipes.

**81.**—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable

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shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any proper expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

Extension of powers for preventing waste &c. of water.

**82.**—(1) In addition to the powers conferred by section 60 (Byelaws for preventing waste of water) of the Act of 1927 the Company may make byelaws as to the testing and stamping of valves fittings and other apparatus and prescribing the charge to be made for such testing and stamping and all such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those provisions shall for the purpose of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk to the local authority The confirming authority for the purpose of the said section 250 shall be the Minister of Health.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Period of error in defective meters.

**83.** In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first

arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Company.

Penalty for opening valves &c.

**84.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension of power to inspect premises.

**85.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Fittings let for hire to remain property of Company.

**86.** All fittings let for hire by the Company shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark

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conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof Provided also that nothing in this section shall affect the amount of the valuation for rating of any rateable hereditament.

As to streets forming boundary of limits of supply.

**87.**—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe 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 such street or part of a street were wholly within the limits of supply.

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

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

## PART VII.

## MISCELLANEOUS PROVISIONS.

Power to make superannuation and other allowances.

**88.**—(1) It shall be lawful for the Company to make superannuation and other allowances and to pay or contribute towards pensions or gratuities to any employee or (where in any particular case no adequate

provision is in the opinion of the Company otherwise made) to the widow or family or any dependant of any employee.

(2) The Company may enter into and carry into effect agreements with any local authority as defined by the Local Government and other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be made.

(3) The Company may apply their funds and revenues for the purposes of this section.

For protection of Southern Railway Company.

**89.** For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company apply and have effect with respect to Work No. 4 by this Act authorised and with respect to the exercise by the Company of the powers of this Act within the added limits of supply (that is to say):—

(1) In laying down and altering any mains pipes or other works over upon across or under any railway or other work of the railway company (in this section together referred to as "the railways of the railway company") the Company shall execute such works in accordance with plans and sections previously submitted to and reasonably approved in writing by the chief engineer of the railway company (in this section referred to as "the engineer") The said works and the renewal removal or (except in case of emergency) repair thereof shall be executed with all reasonable dispatch and to the reasonable satisfaction of the engineer and under the superintendence of the engineer if he elect to superintend after receiving reasonable notice (which notice the Company are hereby required to give) of the date when the work is to be commenced Provided that if the engineer does not express his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to

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him he shall be deemed to have approved thereof :

(2) The Company shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges and approaches which the railway company are liable to maintain and any property of the railway company so far as the same may be disturbed or interfered with by or owing to any operations of the Company :

(3) In constructing the said Work No. 4 the Company shall if reasonably necessary so to do provide and maintain a stop-cock at such point on the service side of any pipe passing over the railway in tunnel of the railway company as the engineer may reasonably require :

(4) The Company shall bear and on demand pay to the railway company all expenses reasonably incurred by them of watching lighting and protecting the railways of the railway company with reference to and during the carrying out of the said works :

(5) The said works shall be constructed executed and maintained so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interruption to the passage or conduct of traffic thereon If any such injury or interruption arises from the acts or operations of the Company or by reason of the failure of the Company to maintain the said works or from the bursting leakage or failure of any such main pipe or other work not due to the acts or defaults of the railway company all such injury shall forthwith be made good by the Company or if the railway company so elect by the railway company at the expense of the Company and the Company shall indemnify the railway company from all claims arising out of or in connection with any such injury or interruption and shall make compensation to the railway company in respect thereof :

(6) The Company shall from time to time pay to the railway company any additional expenses

which the railway company may reasonably incur in effecting any repair renewal widening alteration or extension of the railways of the railway company in pursuance of any powers existing at the passing of this Act by reason of the existence of such mains pipes or works of the Company over upon across or under the railways of the railway company:

(7) Any difference which may arise between the Company and the railway company under the provisions of this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Saving with respect to Boxley Estate.

**90.** Nothing in this Act shall operate to make void the covenants on the part of the Company contained in a conveyance dated the twenty-eighth day of July nineteen hundred and thirty-two and made between Robert Henry Style of the one part and the Company of the other part.

Repeals.

**91.** The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Costs of Act.

**92.** All costs charges and expenses preliminary to and of and incident to the preparing applying 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 defrayed out of revenue.

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# The SCHEDULES referred to in the foregoing Act.

## FIRST SCHEDULE.

### (A) CAPITAL OF THE COMPANY.

| Authority. | Description of capital. | Dividend. | Total paid up. | | Remaining to be raised. | Total amount authorised. |
|---|---|---|---|---|---|---|
| | | | Nominal. | Premium. | | |
| | | Per cent. | £ | £ | £ | £ |
| The Maidstone Water Acts and Orders 1860 to 1927. | Consolidated ordinary stock. | 5 | 89,600 | 174 | 12,716 | 186,000 |
| | 5% preference stock. | 5 | 28,400 | | | |
| | 4% preference stock. | 4 | 55,110 | | | |
| | | | 173,110 | 174 | 12,716 | 186,000 |

### (B) AMOUNTS AUTHORISED TO BE RAISED RAISED AND REMAINING TO BE RAISED BY THE COMPANY ON MORTGAGE OR BY THE CREATION AND ISSUE OF DEBENTURE STOCK.

| Authority. | How raised. | Rate of interest. | Amount raised. | Remaining to be raised. | Total amount authorised. |
|---|---|---|---|---|---|
| | | Per cent. | £ | £ | £ |
| The Maidstone Water Acts and Orders 1860 to 1927. | Debenture stock | 3 | 14,160 | 32,445* | 93,000 |
| | Mortgage - - | 5 | 46,395 | | |
| | | | 60,555 | 32,445* | 93,000 |

* The amount remaining to be raised is reduced pending the existence of certain rentcharges amounting to £130 per annum by the sum of £2,600. It is also subject to the raising of the capital remaining to be raised.

## SECOND SCHEDULE.

### ENACTMENTS REPEALED.

| Session and chapter. | Short title. | Extent of repeal. |
|---|---|---|
| 23 Vict. c. xcvi | The Maidstone Waterworks Act 1860. | Section VII (Amount of capital).<br>Section VIII (Shares).<br>Section IX (Calls).<br>Section XI (Receipts for disqualified persons).<br>Section XIV (Application of monies).<br>Section XV (Number and qualification of directors) so far as it relates to the number of directors.<br>Section XVII (Power to vary number of directors).<br>Section XVIII (First directors).<br>Section XLVI (Water not necessarily under pressure). |
| 26 Vict. c. xliv | The Maidstone Waterworks Act 1863. | Section 20 (Power for Company to raise additional capital).<br>Section 21 (Shares may be issued as preferential or otherwise).<br>Section 22 (Limit of preferential dividend).<br>Section 23 (Saving for existing preferential shares).<br>Section 24 (Limits of profits applicable to preferential dividend).<br>Section 25 (If existing ordinary shares at a premium new shares to be offered to existing ordinary shareholders).<br>Section 26 (Offer to be made by letter).<br>Section 27 (Shares to vest in accepting shareholders).<br>Section 28 (Unaccepted shares may be disposed of to others).<br>Section 29 (Enlargement of time for accepting new shares).<br>Section 30 (General power to dispose of new shares). |

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| Session and chapter. | Short title. | Extent of repeal. |
|---|---|---|
| 26 Vict. c. xliv —*cont.* | The Maidstone Waterworks Act 1863—*cont.* | Section 31 (Company may cancel unissued new shares and issue others instead).<br>Section 33 (Priority of existing mortgages while in force and thereafter equality of all mortgages).<br>Section 35 (Application of monies raised under this Act). |
| —— | The Maidstone Water Order 1873 (as confirmed by the Gas and Water Orders Confirmation Act 1873 (36 Vict. c. xlii) ). | The whole Order (so far as not already repealed). |
| —— | The Maidstone Water Order 1879 (as confirmed by the Gas and Water Orders Confirmation Act 1879 (42 & 43 Vict. c. clix) ). | The whole Order (so far as not already repealed). |
| 48 & 49 Vict. c. xlii. | The Maidstone Waterworks Act 1885. | Section 20 (As to water for domestic purposes).<br>Section 21 (Company may raise additional capital).<br>Section 22 (Shares not to vest until one-fifth part paid up).<br>Section 23 (As to votes of proprietors of such shares).<br>Section 24 (Limit of dividend on new capital).<br>Section 28 (Existing mortgages to have priority).<br>Section 29 (Debenture stock).<br>Section 30 (As to conversion of borrowed money into capital).<br>Section 31 (Application of sums raised under this Act). |
| —— | The Maidstone Water Order 1896 (as confirmed by the Water Orders Confirmation Act 1896 (59 & 60 Vict. c. clxi) ). | The whole Order (so far as not already repealed). |

| Session and chapter. | Short title. | Extent of repeal. |
|---|---|---|
| —— | The Maidstone Water Order 1899 (as confirmed by the Water Orders Confirmation Act 1899 (62 & 63 Vict. c. cxliv) ). | The whole Order (so far as not already repealed). |
| —— | The Maidstone Water Order 1906 (as confirmed by the Water Orders Confirmation Act 1906 (6 Edw. VII. c. cxxxvi) ). | The whole Order (so far as not already repealed). |
| 17 & 18 Geo. V. c. lxviii. | The Maidstone Waterworks Act 1927. | Section 19 (Conversion and consolidation of ordinary shares).<br>Section 20 (Consolidated stock to be held on same trusts &c. as shares for which the same is substituted).<br>Section 21 (Certificates of existing ordinary shares to be called in and others issued).<br>Section 22 (Transfers of existing ordinary shares to operate as transfers of consolidated ordinary stock).<br>Section 23 (As to unexercised powers of raising capital).<br>Section 24 (Additional capital).<br>Section 25 (New ordinary capital to rank with existing capital of same class).<br>Section 26 (New preference shares or stock to be subject to the same incidents as other shares or stock).<br>Section 27 (New preference shares or stock to form part of the capital of the Company).<br>Section 28 (Restriction as to votes in respect of preference shares or stock).<br>Section 29 (New and existing preference shares or stock may be of same class).<br>Section 30 (Dividends on new preference shares or stock).<br>Section 31 (New shares or stock to be sold by auction or tender). |

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| Session and chapter. | Short title. | Extent of repeal. |
|---|---|---|
| 17 & 18 Geo. V. c. lxviii—*cont.* | The Maidstone Waterworks Act 1927—*cont.* | Section 32 (Voting rights).<br>Section 33 (Dividends on consolidated ordinary stock).<br>Section 34 (Limit of dividend on preference capital).<br>Section 35 (Minimum holdings of consolidated ordinary stock).<br>Section 36 (Borrowing powers in respect of issued capital).<br>Section 37 (Power to borrow).<br>Section 38 (Existing mortgages to have priority).<br>Section 39 (Power to create debenture stock).<br>Section 40 (Priority of money raised on mortgage or debenture stock over other claims).<br>Section 41 (Appointment of receiver).<br>Section 42 (Redeemable preference shares or stock and debenture stock).<br>Section 43 (Receipt in case of persons not sui juris).<br>Section 44 (Application of moneys).<br>Section 45 (Application of existing capital).<br>Section 66 (Rates payable by owners of small houses).<br>Section 76 (Interim dividends and annual accounts).<br>Section 85 (As to appointment of proxies).<br>Section 87 (Power to make superannuation and other allowances). |

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