CHAPTER xli.

An Act to authorise the Mid-Wessex Water Company to execute works and acquire lands and easements to confer upon the Company further capital and borrowing powers and for other purposes. [25th July 1940.]

WHEREAS the Mid-Wessex Water Company (hereinafter referred to as "the Company") were incorporated under the name of the Frimley and Farnborough District Water Company by the Frimley and Farnborough District Water Act 1893 for the purposes of supplying with water certain places in the counties of Southampton and Surrey: 56 & 57 Vict. c. clxxxv.

And whereas the name of the Company was changed to their present name by the Mid-Wessex Water Act 1935: 25 & 26 Geo. 5. c. xxxiv.

And whereas powers have been conferred upon the Company by the Mid-Wessex Water Acts and Orders 1893 to 1935 and the area of supply of the Company now includes areas in the said counties and in the county of Berks:

And whereas the demand for water within the area of supply of the Company has increased and is increasing and for the better and more effectually enabling the Company to meet such increasing demand it is expedient that the Company should be empowered to make and maintain the works described in this Act and to acquire lands and easements therefor:

And whereas it is expedient that the Company should be authorised to raise further capital and to borrow on mortgage of their undertaking or raise by the creation and issue of debenture stock further moneys as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas plans and sections of the works by this Act authorised and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purposes of this Act have been deposited with the clerks of the county councils of the counties of Southampton and Surrey which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

Short and collective titles.

1. This Act may for all purposes be cited as the Mid-Wessex Water Act 1940 and the Mid-Wessex Water Acts and Orders 1893 to 1935 and this Act may together be cited as the Mid-Wessex Water Acts and Orders 1893 to 1940.

Incorporation of Acts.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Mid-Wessex Water Acts and Orders 1893 to 1940) are hereby incorporated with this Act (namely):—

10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

(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 and except sections 76 to 79 (both inclusive) of the Waterworks Clauses Act 1847:

(2) The Lands Clauses Acts except sections 127 to 131 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands: 8 & 9 Vict. c. 18.

Provided that any question of disputed compensation under the Lands Clauses Acts (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 compensation or in default of such agreement appointed by the President of the Chartered Surveyors' Institution on the application of either party:

(3) The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital: 8 & 9 Vict. c. 16.

(4) Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts: 26 & 27 Vict. c. 118.

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 and have effect as if the words "and to the same amount as" were omitted therefrom.

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

And in this Act unless the subject or context otherwise requires—

"the Company" means the Mid-Wessex Water Company;

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

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

"the tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation is under this Act referred.

Power to construct water-works.

4.—(1) Subject to the provisions of this Act the Company may make and maintain in the lines and situations delineated on the deposited plans and according to the levels shown on the deposited sections and upon in or under the lands delineated on the said plans and described in the deposited book of reference the following works (that is to say):—

In the counties of Surrey and Southampton—

Work No. 1 A line or lines of pipes commencing in Odiham Road in the urban district of Farnham in the county of Surrey at the point at which that road is intersected by the boundary between the counties of Surrey and Southampton and terminating in Farnborough Road in the borough of Aldershot in the county of Southampton at the point at which that road is intersected by the boundary between that borough and the urban district of Farnborough:

In the county of Surrey—

Work No. 2 A service reservoir in the said urban district of Farnham to be constructed on land abutting on the northern side of the said Odiham Road between points respectively two hundred yards and four hundred and seventy-five yards or thereabouts measured along the said road in an easterly direction from the point of commencement of the line or lines of pipes (Work No. 1) authorised by this Act:

Work No. 3 A line or lines of pipes in the said urban district of Farnham commencing in the said Odiham Road by a junction with the line or lines of pipes (Work No. 1) authorised by this Act and terminating in the service reservoir (Work No. 2) authorised by this Act.

(2) In addition to the foregoing works the Company may upon any lands delineated on the deposited plans construct erect lay down maintain alter enlarge extend and use or remove all such cuts channels catchwaters conduits pipes culverts drains sluices wash-outs byewashes overflows waste-water channels gauges filters works for the treatment of water tanks banks walls bridges embankments piers approaches telegraphic telephonic and other means of electric communication and control engines buildings machinery apparatus and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them or the undertaking or necessary or expedient for augmenting or improving the supply of water but nothing in this subsection 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.

Limits of deviation.

5. In the construction of the works authorised by this Act the Company may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those 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 the 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 Provided that—

(*a*) the Company shall not construct any embankment or wall of the service reservoir (Work No. 2) authorised by this Act of a greater height than six hundred and twenty-five feet above ordnance datum (Newlyn); and

(*b*) except for the purpose of crossing over a stream or canal no part of the lines of pipes (Works Nos. 1 and 3) authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Application of Waterworks

6.—(1) Subject to the provisions of this Act the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of

Clauses Act 1847 and of certain provisions of Mid-Wessex Water Act 1935.

laying pipes shall extend and apply to and with reference to the breaking up of streets and roads for the purpose of laying the lines of pipes (Works Nos. 1 and 3) authorised by this Act as if such streets and roads were within the limits of supply.

(2) The provisions of section 47 (Application of Waterworks Clauses Act 1847 to discharge pipes telephones &c.) of the Mid-Wessex Water Act 1935 shall extend and apply for the purposes of this Act as if the streets or roads in which the lines of pipes (Works Nos. 1 and 3) authorised by this Act will be laid were within the limits of supply.

For protection of Postmaster-General.

7. Any electric cables telegraphs telephones posts wires conductors apparatus or other means of electric communication made constructed laid down or erected under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained or used in such a manner as to interfere 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.

32 & 33 Vict. c. 73.

41 & 42 Vict. c. 76.

Works to form part of undertaking.

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

Period for completion of works.

9. If the works authorised by this Act and shown on the deposited plans are not completed within the period expiring on the first day of October one thousand nine hundred and forty-five or on a date three years from the termination of the present war (whichever of those dates shall be the later) then on the expiration of that period the powers granted by this Act for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Provided that after the expiration of the said period the Company may extend enlarge alter reconstruct renew or remove any of the said works and in the

case of the lines of pipes (Works Nos. 1 and 3) authorised by this Act lay down additional lines of pipes as and when occasion may require.

Power to acquire lands for works.

10. Subject to the provisions of this Act the Company may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works authorised by this Act or any of them.

Power to acquire easements compulsorily in certain cases.

11.—(1) The Company may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes.

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not be entitled or required to purchase any part of the property numbered on the said plans 1A in the borough of Aldershot but may acquire such easements or rights only in or over the said property as they may require for the purpose of placing or laying the line or lines of pipes (Work No. 1) authorised by this Act across and above the level of the Basingstoke Canal and the banks thereof Provided that the said line or lines of pipes shall be placed or laid across the waterway and towing path of the said canal at a height of not less than ten feet above the normal water level in the said canal.

(3) The Company may give notice to treat in respect of such easements and rights as aforesaid describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

(4) As regards any lands in respect of which the Company have acquired easements or rights 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 or rights have the same rights to use the said lands at all times as if this Act had not been passed.

Correction of errors in deposited plans and book of reference.

12. If there be any omission mis-statement 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 lands 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 hearing the application that the omission mis-statement 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 mis-stated or wrongly described and such certificate or a copy thereof shall be deposited with the clerks of the county councils of the administrative counties of Surrey and Southampton and a duplicate thereof shall be deposited with the clerk of the council of the county district in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or 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 such certificate.

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

13. The Company and their surveyors officers contractors and workmen and any person authorised in writing under the hand of the secretary of the Company may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands authorised by this Act to be taken and used 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.

Extinction of private rights of way.

14.—(1) All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands be extinguished.

(2) The Company shall make full compensation to all persons 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.

Power to certain persons to grant easements &c. by agreement.

15. 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Costs of arbitration in certain cases.

16. The tribunal 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 any judge of 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 judge 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 such judge may seem

just and proper under 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.

Compensation in case of recently altered buildings.

17. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of April one thousand nine hundred and forty 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 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 by the Company of such lands.

Period for compulsory purchase of lands.

18. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and forty-three.

For protection of Surrey and Southampton County Councils. 61 & 62 Vict. c. cclx.

19. The provisions of section 44 (For protection of Surrey and Southampton County Councils) of the Wey Valley Frimley and Farnham Water Act 1898 shall extend and apply to and with respect to the lines of pipes (Works Nos. 1 and 3) authorised by this Act and the opening and breaking up in the exercise of the powers of this Act of county roads or of bridges vested in the county council of the administrative county of Surrey or of the administrative county of Southampton as if that section had been expressly re-enacted in this Act with reference thereto.

For protection of Surrey County Council.

20. For the protection of the county council of the administrative county of Surrey (in this section referred to as "the county council") the following pro-

visions shall unless otherwise agreed between the Company and the county council have effect:—

(1) (*a*) The service reservoir (Work No. 2) authorised by this Act shall be constructed in such a position within the limits of deviation for that work shown on the deposited plans that no part thereof will be within a distance of less than forty feet from the northern side of Odiham Road as existing at the date of the passing of this Act;

(*b*) The Company shall have the like right to recover from the county council compensation for injury sustained by them in consequence of the restriction imposed by paragraph (*a*) of this subsection as if such injury had been sustained in consequence of the prescription by the county council under section 66 (Power to prescribe building lines on county roads) of the Surrey County Council Act 1931 as amended by section 69 (Amendment of section 66 of Act of 1931) of the Surrey County Council Act 1936 of a building line on the northern side of and at a distance of forty feet from Odiham Road as existing at the date of the passing of this Act; 21 & 22 Geo. 5. c. ci. 26 & 27 Geo. 5. c. cxxx.

(*c*) The restriction imposed by this subsection shall have effect in lieu of any restrictions for the time being in force under the Restriction of Ribbon Development Act 1935 which but for the provisions of this paragraph would affect the construction of the said service reservoir and the provision of means of access thereto: 25 & 26 Geo. 5. c. 47.

(2) The line or lines of pipes (Work No. 1) and the line or lines of pipes (Work No. 3) authorised by this Act shall be constructed only in such positions and at such levels as will not interfere with the due carrying out of the scheme prepared by the county council for improving the junction of the road A.3016 with the road B.3367 at or near Hale Schools Any dispute between the Company and the county council under this subsection shall be determined by arbitration:

(3) Any matter of dispute which is required by this section to be determined by arbitration shall be referred to a single arbitrator to be agreed between the Company and the county council or failing agreement appointed on the application of either of them 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 Acts 1889 to 1934 shall apply to the reference.

For protection of Farnham Urban District Council.

21. For the protection of the urban district council of Farnham (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company apply and have effect notwithstanding anything contained in the deposited plans sections and book of reference (that is to say):—

(1) Before laying down any line of pipes under the powers of this Act within three feet of any sewer of the council the Company shall give to the council not less than seven days' notice in writing of their intention to execute such work and shall at the same time deliver to the council a plan and section of so much of any such line of pipes as will be within the said distance from any such sewer:

(2) The council shall be entitled by their surveyor to superintend the work of laying down so much of any such line of pipes as will be within the said distance from any sewer of the council and the Company shall conform with such reasonable requirements in connection with the execution of the said work as may be made by the council or their surveyor for protecting such sewer from injury or for preventing or mitigating interference with the access thereto and shall also if required so to do by the council repair any damage that may be done to such sewer in the execution of the said work:

(3) Where in the execution of any such work as is referred to in subsection (2) of this section

the Company find it necessary to undermine any sewer of the council they shall temporarily support such sewer in position during such execution and shall before completion of the said work provide a proper and suitable foundation for such sewer where so undermined:

(4) Any difference which may arise between the Company and the council or their surveyor under this section shall be referred to an engineer to be appointed on the application of either party (after notice to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 and any statutory modification thereof for the time being in force shall apply to any such reference.

Saving for conservators of river Thames.

22.—(1) Nothing in this Act shall authorise the Company (except with the consent of the conservators of the river Thames which shall not be unreasonably withheld) to construct or lay down any work which either directly or indirectly interferes with or will interfere with that part of the channel of the river Thames above Teddington Lock and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by a distinctive colour on the map of the Thames Catchment Area prepared and for the time being approved by the Minister of Agriculture and Fisheries under and pursuant to section 5 of the Land Drainage Act 1930. 20 & 21 Geo. 5. c. 44.

(2) Any question as to whether such consent as aforesaid is unreasonably withheld shall be referred to and determined by an arbitrator to be agreed upon between the Company and the said conservators or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 and any statutory modification thereof for the time being in force shall apply to the reference. 52 & 53 Vict. c. 49. 24 & 25 Geo. 5. c. 14.

For protection of Mid-Southern Utility Company and Wey Valley Water Company.

23. For the protection of the Mid-Southern Utility Company and the Wey Valley Water Company (which companies are in relation to their respective limits of supply in this section severally referred to as "the protected company") the following provisions shall unless otherwise agreed in writing between the Company and the protected company apply and have effect:—

(1) Whenever the Company require to execute any work over under or within three feet of any main pipe or apparatus belonging to the protected company the Company shall give to the protected company not less than fourteen days' notice before commencing to execute such work except in cases of emergency and then as soon as possible after the beginning of the work or the necessity for the same shall have arisen and the protected company shall be entitled by their engineer to superintend the work and the Company shall conform with such reasonable requirements as may be made by the protected company or their engineer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the protected company repair any damage that may be done thereto and pay the expenses incurred by the protected company in any of the foregoing operations:

(2) Where the Company find it necessary to undermine any such main pipe or apparatus they shall temporarily support it in position during the execution of their works and before completion provide suitable and proper foundation for the same where so undermined:

(3) If the Company make default in complying with any of the requirements of this section they shall make full compensation to the protected company for any loss damage penalty or costs which they may incur by reason thereof:

(4) The Company shall supply the protected company with complete drawings showing details of all apparatus and of the position in any road and the structure and depth of the lines of pipes (Works Nos. 1 and 3) authorised by this Act:

(5) Any difference which may arise between the Company and the protected company under this section shall be referred to an engineer to be appointed on the application of either party (after notice to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 and any statutory modification thereof for the time being in force shall apply to any such reference:

(6) Except in exercise or pursuance of an authorisation or direction given under any regulation made and for the time being in force under the Emergency Powers (Defence) Act 1939 or any enactment amending or extending that Act the Company shall not supply water for use within the limits of supply of the protected company from the line or lines of pipes (Work No. 1) authorised by this Act: 2 & 3 Geo. 6. c. 62.

(7) Nothing in subsection (2) of the section of this Act of which the marginal note is "Power to construct waterworks" shall authorise the Company to remove any main pipe or apparatus belonging to the protected company.

For further protection of Wey Valley Water Company.

24. For the further protection of the Wey Valley Water Company the following provision shall unless otherwise agreed in writing between the Company and the Wey Valley Water Company apply and have effect:—

Notwithstanding anything contained in this Act the Company shall not acquire the property of the Wey Valley Water Company numbered on the deposited plans 2 in the urban district of Farnham.

Power to Company to raise additional capital.

25. In addition to the capital already authorised to be raised by the Company the Company may from time to time raise additional capital (in this Act referred to as "the additional capital") not exceeding in the whole one hundred and fifty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively:

Provided that the Company shall not under the powers of this Act—

(*a*) issue any share of less nominal value than ten pounds; or

(*b*) create and issue any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the said sum of one hundred and fifty thousand pounds.

Additional capital to form part of general capital.

26. The additional capital shall form part of the general capital of the Company and 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.

Limits of dividend on additional capital.

27. The prescribed rate of dividend on the additional capital shall for the purposes of section 75 of the Waterworks Clauses Act 1847 and of section 13 of the Companies Clauses Act 1863 be—

(*a*) in the case of any ordinary shares or stock the rate of seven per centum per annum; and

(*b*) in the case of any preference shares or stock the rate of six per centum per annum.

Power to borrow.

28. The Company may from time to time borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole sixty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such capital But no sum shall be borrowed in respect of the

additional capital until the Company have proved to the 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 at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Debenture stock.

29. 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 and of section 13 (Power to create debenture stock) of the Frimley and Farnborough District Water Act 1893.

Grants and loans to Company by government departments.

30.—(1) The Company may accept grants of money from any government department by way of contribution towards expenses incurred or to be incurred by the Company in making provision for furnishing supplies of water to that department or to any other government department.

(2) (*a*) The Company may also at any time and from time to time borrow from any government department any sum or sums not exceeding in the whole fifteen per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the Company by the issue of share capital.

(*b*) The powers conferred by this subsection may be exercised by the Company in addition and without prejudice to any other powers of borrowing money for the time being exerciseable by them.

(*c*) Any money borrowed by the Company under the powers of this subsection may be borrowed on mortgage of the undertaking or (if so agreed between the Company and the government department concerned) may be borrowed on such terms as not to constitute any charge upon the undertaking.

(*d*) After any money borrowed by the Company under the powers of this subsection has been repaid to the government department from which such money was borrowed the Company shall not be entitled to

exercise in respect thereof any power of re-borrowing otherwise than by borrowing again from the same or any other government department.

23 & 24 Geo. 5. c. xxxiv.

(3) The provisions of section 68 (Application of moneys) of the Frimley and Farnborough District Water Act 1933 shall apply to all money granted to or borrowed by the Company under this section.

Limit of interest on moneys borrowed.

31. The Company shall not without the consent of the Minister of Health pay interest at a higher rate than five per centum per annum in respect of any moneys borrowed by them on mortgage or raised by them by the creation and issue of debenture stock under the powers of this Act.

Priority of mortgages over other debts.

32. All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Mid-Wessex Water Acts and Orders 1893 to 1940 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—

(*a*) any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts;

(*b*) 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; or

(*c*) land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of existing mortgages.

33. The principal moneys secured by all mortgages or debentures granted or taken over by the Company before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and debentures respectively and subject to

the provisions of the Act or Order under which such mortgages and debentures were respectively granted have priority over the principal moneys secured by all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Appointment of receiver. 17 & 18 Geo. 5. c. xii.

34. Section 33 (Appointment of receiver) of the Frimley and Farnborough District Water Act 1927 shall extend to mortgagees of the Company in respect of mortgages granted under this Act.

Application of Special Enactments (Extension of Time) Act 1940. 3 & 4 Geo. 6. c. 16.

35. Notwithstanding anything in the Special Enactments (Extension of Time) Act 1940 that Act shall apply to the powers conferred by this Act to execute works and to purchase or acquire compulsorily lands and easements.

For protection of War Department.

36. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or in particular except with and subject to the terms of the consent in writing of the Secretary of State for War (hereinafter in this section called "the Secretary of State")—

(i) authorises the Company to take enter upon use or interfere with any land or water (notwithstanding that any such land or water may be described in the deposited books of reference or delineated on the deposited plans and sections) or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by the Secretary of State or vested in or in the occupation of or exercised or exerciseable by any other person body or corporation acting for or on behalf of the Secretary of State; or

(ii) takes away lessens prejudices or alters any right privilege or power vested in or exercised or exerciseable by the Secretary of State.

Any consent for the purpose of this section may be given on such conditions as the Secretary of State may see fit to impose.

Saving for emergency powers of Treasury.

37.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this Act.

54 & 55 Vict. c. 39.

(2) Section 113 of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this Act as if this Act had been passed on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939.

Costs of Act.

38. All costs charges and expenses preliminary to and of and incidental 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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