CHAPTER xii.

An Act to provide for uniform rates and charges for water applicable throughout the limits of supply of the Mid-Wessex Water Company and for other purposes. [29th July 1942.]

WHEREAS the Mid-Wessex Water Company (hereinafter referred to as "the Company") were incorporated by the Frimley and Farnborough District Water Act 1893 by the name of the Frimley and Farnborough District Water Company and by virtue of that Act and subsequent Acts and Orders are empowered to supply water within limits of supply which comprise parts of the counties of Berkshire 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 the Company were by section 70 of the said Mid-Wessex Water Act 1935 required to promote a Bill in Parliament not later than in the session of 1941 containing proposals for securing greater uniformity in the rates and charges in their limits of supply:

And whereas by the Mid-Wessex Water (Extension of Time) Order 1941 made by the Minister of Health under the Special Enactments (Extension of Time) Act 1940 it was provided that the said section 70 should have effect as if for the expression "the session of 1941" there were substituted the expression "the session of 1942": 3 & 4 Geo. 6. c. 16.

And whereas it is expedient that the provisions contained in this Act with respect to the rates and charges for the supply of water by the Company should be enacted:

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:—

Short and collective titles.

1. This Act may be cited as the Mid-Wessex Water Act 1942 and the Mid-Wessex Water Acts and Orders 1893 to 1940 and this Act may together be cited as the Mid-Wessex Water Acts and Orders 1893 to 1942.

Commencement of Act.

2. This Act shall come into operation on the twenty-sixth day of December one thousand nine hundred and forty-two which date is in this Act referred to as "the commencement of this Act."

Incorporation of Acts.

3. The following Acts and parts of Acts so far as applicable for the purposes of this Act and not inconsistent with the provisions of this Act 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—

(*a*) 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

(*b*) sections 76 to 79 (inclusive);

of the Waterworks Clauses Act 1847; and

8 & 9 Vict. c. 16.

(2) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of the borrowed money into capital) as amended or extended by subsequent Acts.

Interpretation.

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

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

"the undertaking" means the undertaking of the Company as from time to time authorised;

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

"house" means a dwelling-house (whether a private dwelling-house or not) and includes any part of a building if that part is occupied as a separate dwelling-house;

"quarter" means any quarter of a year ending on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September or the twenty-fifth day of December;

"enactment" means an enactment in an Act of Parliament whether public general local or private and a provision in an Order confirmed by or made under an Act of Parliament;

"the Minister" means the Minister of Health;

Water rates.

5.—(1) (*a*) Where a supply of water for domestic purposes is furnished by the Company otherwise than by measure at the request of the owner or occupier of any house entitled to demand such a supply the Company may charge in respect of such supply a water rate not exceeding ten per centum per annum of the net annual value of such house Provided that the Company shall not be required to furnish any such supply for a less sum than thirteen shillings per annum.

(*b*) In addition to the water rate calculated as aforesaid the Company may in respect of every bath having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons charge such sum as they may think fit.

(*c*) Charges payable under the proviso to paragraph (*a*) of this subsection or under paragraph (*b*) thereof shall be recoverable in the manner in which water rates are recoverable.

(2) For the purposes of this Act the net annual value of any house shall be taken to be—

(*a*) (subject to the provisions of the section of this Act of which the marginal note is "Effect on water rates of alterations in valuation list") that value as stated in the valuation list in force on the first day of the quarter in respect of which the water rate is payable; or

(*b*) if that value is not so stated such sum as in default of agreement between the Company and the owner or occupier of the house may be determined by a court of summary jurisdiction.

Effect on water rates of alterations in valuation list.

15 & 16 Geo. 5. c. 90.

6.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of any water rate payable under this Act have effect retrospectively as from the first day of the quarter in

the course of which the amendment is made or (in the case of an amendment consisting of the inclusion in the valuation list of a hereditament not previously supplied by the Company with water for domestic purposes) any earlier date on which the Company commenced to furnish such a supply for that hereditament.

(2) If it is found that by reason of the foregoing provisions of this section too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered in the manner in which water rates are recoverable.

Power to make agreed charges for domestic supply.

7.—(1) The Company in lieu of charging a water rate may agree with any person requiring a supply of water for domestic purposes to furnish the supply whether by meter or otherwise on such terms and conditions as may be agreed.

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

Charges for supplies for refrigerating apparatus &c.

8. Section 64 (Charges for supplies for refrigerating apparatus &c.) of the Mid-Wessex Water Act 1935 shall be read and have effect as if the following proviso were substituted for the proviso to subsection (2) of that section:—

"Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes."

Price of supply by meter.

9. The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that the Company shall not be required to afford any supply of water by meter for a less sum (exclusive of meter rent) than fifteen shillings per quarter except as provided by subsection (1) of section 64 (Charges for supplies for refrigerating apparatus &c.) of the Mid-Wessex Water Act 1935.

Revision of rates and charges.

10.—(1) The Minister on an application made to him by the Company or by a county council or the council of a borough or urban or rural district within whose county borough or district the Company supply water or by twenty persons supplied with water by the Company may by order make such increase or reduction (if any) in the rates and charges which the Company are authorised by this Act or any other enactment to levy and make as he considers reasonable but so as—

(*a*) to enable; or

(*b*) not to endanger the ability of;

the Company so long as the undertaking is managed efficiently to provide a reasonable return upon the paid-up capital of the undertaking and upon any capital expenditure which the Company may reasonably be expected to incur during the five years immediately following the date of the order after—

(i) paying all proper expenses of and connected with the working management and maintenance of the undertaking;

(ii) paying all interest charges properly payable by the Company;

(iii) providing for any sums which the Company may lawfully carry to any reserve fund or contingency fund;

(iv) making good depreciation (in so far as provision therefor is not made by any such fund as aforesaid or is not included under any of the foregoing heads); and

(v) meeting all other costs charges and expenses (if any) properly chargeable to revenue.

(2) Applicants for an order under this section shall publish once at least in each of two successive weeks in one or more local newspapers circulating within the limits of supply a notice explaining the effect of their proposals and stating that objections thereto may be made to the Minister within forty-two days (exclusive of any day in the month of August) after the first publication of the notice and shall transmit a copy of the notice to the council of every county county borough non-county borough and urban and rural district within which the Company are supplying water and shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section naming the counties county boroughs non-county boroughs and urban and rural districts within which the Company are supplying water and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the order applied for will be found.

(3) If before the expiration of the said forty-two days or before the expiration of thirty-nine days from the publication of the notice in the London Gazette an objection is received by the Minister from any person appearing to him to be affected by the application and is not withdrawn the Minister before making any order on the application shall cause a local inquiry to be held.

(4) The Minister may at any time upon the application either of the Company or of any council or body of consumers entitled to make an application under subsection (1) of this

section make an order in like manner and subject to the like provisions as the original order amending any order previously made by him under this section:

Provided that unless he considers that exceptional circumstances exist he shall not make an amending order in pursuance of an application under this subsection before the expiration of five years from the date of his decision on the last preceding application.

The making of any new valuation list under the Rating and Valuation Act 1925 shall be deemed to be an exceptional circumstance within the meaning and for the purposes of this section.

(5) In relation to any period during which an order made under this section is in operation the enactments relating to the Company shall have effect as if the rates and charges specified in the order were substituted for the rates and charges specified in those enactments.

Repeal of certain enactments.

11. The Acts specified in the first and second columns of the schedule to this Act shall be and the same are hereby repealed as from the commencement of this Act to the extent mentioned in the third column of the said schedule:

Provided that all rates and charges due or accruing due to the Company immediately before the commencement of this Act may be collected sued for and recovered as if this Act had not been passed.

Amendment of Act by Defence Regulations. 2 & 3 Geo. 6. c. 62. 3 & 4 Geo. 6. c. 20.

12. Paragraph (*d*) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Costs of Act.

13. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of revenue.

THE SCHEDULE referred to in the foregoing Act.

ENACTMENTS REPEALED.

(1) Session and chapter.	(2) Title of Act.	(3) Extent of repeal.
41 Vict. c. lvi	Gas and Water Orders Confirmation Act 1878.	Sections 16 and 17 of the Wokingham District Water Order 1878.
50 & 51 Vict. c. lxxviii.	Surrey and Hants District Waterworks Act 1887.	Sections 58 to 78 inclusive.
56 & 57 Vict. c. clxxxv.	Frimley and Farnborough District Water Act 1893.	Section 35.
4 Edw. 7. c. clxxxvi.	Water Orders Confirmation Act 1904.	Section 19 of the Bradfield Water Order 1904.
9 Edw. 7. c. xlvii.	Frimley and Farnborough District Water Act 1909.	The proviso to section 4.
14 & 15 Geo. 5. c. xviii.	Ministry of Health Provisional Orders Confirmation (Water) Act 1924.	Sections 5 and 6 of the Bradfield Water Order 1924.
23 & 24 Geo. 5. c. xxxiv.	Frimley and Farnborough District Water Act 1933.	So much of subsection (2) of section 26 as relates to sections 16 and 17 of the Wokingham District Water Order 1878; Sections 29 51 52 and 53; So much of the Third Schedule as relates to sections 16 and 17 of the Wokingham District Water Order 1878.
25 & 26 Geo. 5. c. xxxiv.	Mid-Wessex Water Act 1935.	So much of subsection (2) of section 26 as relates to section 19 of the Bradfield Water Order 1904 and to sections 5 and 6 of the Bradfield Water Order 1924;

(1) Session and chapter.	(2) Title of Act.	(3) Extent of repeal.
25 & 26 Geo. 5. c. xxxiv. —*cont.*	Mid-Wessex Water Act 1935. —*cont.*	So much of subsection (2) of section 28 as relates to section 53 of the Frimley and Farnborough District Water Act 1933 and to section 67 of the Mid-Wessex Water Act 1935; Sections 32 33 65 66 and 67; So much of the Fourth Schedule as relates to section 19 of the Bradfield Water Order 1904 and sections 5 and 6 of the Bradfield Water Order 1924.

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