STATUTORY INSTRUMENTS

1973 No. 1604

WATER SUPPLY, ENGLAND AND WALES

The North Surrey Water Order 1973

Made - - - - 20*th September* 1973

Coming into Operation 24*th September* 1973

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SCHEDULES

The Secretary of State for the Environment, in exercise of powers conferred by sections 9(1), 23 and 33 of the Water Act 1945(a) and now vested in him(b) and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This order may be cited as the North Surrey Water Order 1973 and shall come into operation on 24th September 1973.

(2) The South West Suburban Water Acts and Orders 1877 to 1973 and this order may be cited together as the North Surrey Water Acts and Orders 1877 to 1973.

Incorporation of enactments.

2.—(1) The Companies Clauses Consolidation Act 1845(c), except sections 56 to 60 (which relate to the conversion of borrowed money into capital), and sections 161 and 162 (which relate to the keeping and depositing of copies of the special Act), and the Companies Clauses Act 1863(d) are, so far as applicable for the purposes and subject to the provisions of this order, hereby incorporated with this order:

Provided that section 14 of the said Act of 1863 shall have effect as modified by section 5 (Modification of section 14 of the Companies Clauses Act 1863) of the South West Suburban Water (Borrowing Powers) Order 1967(e) and section 22 of the said Act of 1863 (which contains regulations as to the creation and issue of debenture stock) as so incorporated shall have effect as if the words "and to the same amount as" were omitted therefrom.

(2) For the purposes of this order section 94 of the Third Schedule (which provides for copies of the special Act to be kept by undertakers in their office, and to be deposited with certain officers) shall apply to the undertaking and is hereby incorporated with this order.

(3) In the construction of the enactments so incorporated with this order the expression "the special Act" shall mean this order and the expression "the company" shall mean the Company.

Interpretation.

3.—(1) In this order, unless the context otherwise requires, the several words and expressions to which meanings are assigned by the enactments incorporated with this order shall have the same respective meanings; and—

"the Act of 1945" means the Water Act 1945;

"the added limits" means the area within the red line shown on the map (being the limits within which the Woking Company are authorised to supply water under the Woking enactments);

"the Company" means the South West Suburban Water Company;

"the date of amalgamation" means 1st October 1973;

"the directors" means the directors of the Company;

"the existing capital" means the ordinary capital and preference capital specified in Part I of Schedule 1 to this order, issued under the authority of the existing enactments or created by and to be issued under the authority of this order;

(a) 1945 c. 42.
(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).
(c) 1845 c. 16.
(d) 1863 c. 118.
(e) S.I. 1967/1064.

"the existing enactments" means the South West Suburban Water Acts and Orders 1877 to 1973;

"the existing limits" means the limits within which the Company are authorised to supply water by the existing enactments as existing immediately before the commencement of this order;

"the existing loan capital" means the debenture stocks specified in Part II of Schedule 1 to this order, issued under the authority of the existing enactments or referred to in section 13 (As to debenture stocks of Woking Company) of this order;

"formerly" means, in relation to section 6 (Consideration for transfer) and section 7 (Conversion of existing shares of Company into stock) of, and Part I of Schedule 1 to, this order, before 6th April 1973 as provided for in section 18 of Schedule 23 to the Finance Act 1972(a);

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

"the map" means the map prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked "Map referred to in the North Surrey Water Order 1973", one copy of which is deposited in the offices of the Secretary of State for the Environment and the other in the offices of the Company;

"share" includes stock and "shareholder" includes stockholder;

"the Third Schedule" means the Third Schedule to the Act of 1945;

"the Woking Company" means the Woking and District Water Company;

"the Woking enactments" means the Woking and District Water Acts and Orders 1881 to 1973;

"the Woking undertaking" means (subject to the provisions of this order) the undertaking of the Woking Company as existing immediately before the date of amalgamation and includes—

(*a*) all the lands, buildings, waterworks, waters, sources of supply, works, machinery, reservoirs, mains, pipes, meters, plant, spare parts, tools, apparatus, vehicles, stock-in-trade, stores, furniture, chattels, effects, deeds, agreements, plans, blue prints, specifications, engineers' opinions and reports, books, records, vouchers, letters and other documents belonging to the Woking Company;

(*b*) the benefits of, and liabilities under, all contracts (other than contracts for the employment of officers and servants) in force immediately before the date of amalgamation in respect of the said undertaking;

(*c*) all bank balances and cash and other balances (including any balances of any contingency, reserve, pension or other fund or account and consumers' deposits) in the hands of the Woking Company or in the hands of their bankers, agents or servants immediately before the date of amalgamation and all investments and securities for money;

(*d*) all rates, rents, book debts and other sums of money which immediately before the date of amalgamation are due or payable to or are accruing due to the Woking Company;

(a) 1972 c. 41.

(*e*) all assets, rights, powers, easements and privileges vested in or enjoyed by the Woking Company immediately before the date of amalgamation;

(*f*) all other real and personal property belonging to the Woking Company immediately before the date of amalgamation;

but subject (except as in this order otherwise expressly provided) to all debts, liabilities and obligations of the Woking Company (other than those relating to the nominal amount of ordinary and preference capital of the Woking Company and the Woking debenture stocks) which are subsisting immediately before the date of amalgamation;

"the undertaking" means the undertaking of the Company as for the time being authorised by any enactment.

(2) Unless the context otherwise requires, any reference in this order to any enactment shall be construed as a reference to that enactment as amended by or having effect by virtue of any subsequent enactment, including this order.

PART II

AMALGAMATION OF UNDERTAKINGS

Amalgamation of undertakings.

4. Subject to the provisions of this order the undertaking and the Woking undertaking shall on the date of amalgamation be amalgamated and accordingly on that date the Woking undertaking shall by virtue of this order be transferred to and vest in the Company and shall become part of the undertaking.

Creation of capital.

5.—(1) On the date of amalgamation there shall be created by virtue of this section and without any other requisite—

(*a*) one hundred and seventy-eight thousand two hundred and fifty pounds ordinary stock of the Company entitled to a maximum dividend of 7 per cent. per annum;

(*b*) two hundred and twenty-one thousand six hundred and sixty pounds "A" ordinary stock of the Company entitled to a maximum dividend of 4·9 per cent. per annum;

(*c*) one hundred and thirteen thousand and seventy pounds "B" ordinary stock of the Company entitled to a maximum dividend of 4·9 per cent. per annum;

(*d*) eight hundred and fifty-five thousand seven hundred and thirty pounds ordinary stock of the Company entitled to a maximum dividend of 3·5 per cent. per annum;

(*e*) fifty-four thousand and thirty pounds preference stock of the Company entitled to a preferential dividend of 4·2 per cent. per annum;

(*f*) three hundred and six thousand five hundred and thirty pounds preference stock of the Company entitled to a preferential dividend of 3·5 per cent. per annum;

(*g*) twenty-five thousand pounds preference stock of the Company entitled to a preferential dividend of 3·85 per cent. per annum;

(*h*) twenty-five thousand pounds preference stock of the Company entitled to a preferential dividend of 3·15 per cent. per annum;

(*i*) one hundred thousand pounds preference stock of the Company entitled to a preferential dividend of 2·975 per cent. per annum and redeemable on 31st December 1974;

(*j*) sixty-six thousand one hundred and ten pounds preference stock of the Company entitled to a preferential dividend of 3·15 per cent. per annum and redeemable on 31st December 1980;

(*k*) eighty-three thousand and fifty pounds preference stock of the Company entitled to a preferential dividend of 3·85 per cent. per annum and redeemable on 31st December 1983;

(*l*) two hundred and fifty-four thousand nine hundred and twenty-two pounds preference stock of the Company entitled to a preferential dividend of 3·85 per cent. per annum and redeemable on 31st December 1984;

(*m*) six hundred thousand pounds preference stock of the Company entitled to a preferential dividend of 5·425 per cent. per annum and redeemable on 31st December 1988 or, at the option of the Company, at any time on or after 1st January 1986 on giving three months' notice;

(*n*) seven hundred and fifty thousand pounds preference stock of the Company entitled to a preferential dividend of 7 per cent. per annum and redeemable on 1st July 1975.

(2) The ordinary stocks and the preference stocks created by virtue of this section shall be deemed to be fully paid up and shall rank for dividend from the date of amalgamation.

(3) The redeemable preference stocks created by virtue of paragraphs (*i*), (*j*), (*k*), (*l*), (*m*) and (*n*) of subsection (1) of this section shall be redeemable at par on the dates respectively mentioned in those paragraphs and shall rank proportionately for dividend as from the date of amalgamation with the existing redeemable preference stocks of the Company.

Consideration for transfer.

6.—(1) As soon as reasonably practicable after the date of amalgamation the Company shall issue to holders of ordinary shares and ordinary stock of the Woking Company ordinary stock of the Company in the following proportions:—

(*a*) to each holder of 7 (formerly ten) per cent. ordinary shares of ten pounds each of the Woking Company for every such share ten pounds of 7 per cent. ordinary stock of the Company;

(*b*) to each holder of 4·9 (formerly seven) per cent. ordinary shares of ten pounds each of the Woking Company for every such share ten pounds of 4·9 per cent. "A" ordinary stock of the Company;

(*c*) to each holder of 4·9 (formerly seven) per cent. ordinary stock of the Woking Company for every one pound of such stock one pound of 4·9 per cent. "B" ordinary stock of the Company;

(*d*) to each holder of 3·5 (formerly five) per cent. ordinary stock of the Woking Company for every one pound of such stock one pound of 3·5 per cent. ordinary stock of the Company.

(2) As soon as reasonably practicable after the date of amalgamation the Company shall issue to holders of irredeemable preference shares and irredeemable preference stock of the Woking Company irredeemable preference stock of the Company in the following proportions:—

(*a*) to each holder of 3·85 (formerly five and one-half) per cent. irredeemable preference shares of ten pounds each of the Woking Company for every such share ten pounds of 3·85 per cent. preference stock of the Company;

(*b*) to each holder of 3·15 (formerly four and one-half) per cent. irredeemable preference shares of ten pounds each of the Woking Company for every such share ten pounds of 3·15 per cent. preference stock of the Company;

(*c*) to each holder of 3·5 (formerly five) per cent. irredeemable preference stock of the Woking Company for everyone pound of such stock one pound of 3·5 per cent. preference stock of the Company.

(3) As soon as reasonably practicable after the date of amalgamation the Company shall issue—

(*a*) to each holder of 2·975 (formerly four and one-quarter) per cent. preference stock of the Woking Company redeemable on 31st December 1974, for every one pound of such stock one pound of 2·975 per cent. preference stock of the Company redeemable on 31st December 1974;

(*b*) to each holder of 3·15 (formerly four and one-half) per cent. preference stock of the Woking Company redeemable on 31st December 1980, for every one pound of such stock one pound of 3·15 per cent. preference stock of the Company redeemable on 31st December 1980;

(*c*) to each holder of 3·85 (formerly five and one-half) per cent. preference stock of the Woking Company redeemable on 31st December 1983, for every one pound of such stock one pound of 3·85 per cent. preference stock of the Company redeemable on 31st December 1983;

(*d*) to each holder of 3·85 (formerly five and one-half) per cent. preference stock of the Woking Company redeemable on 31st December 1984, for every one pound of such stock one pound of 3·85 per cent. preference stock of the Company redeemable on 31st December 1984;

(*e*) to each holder of 5·425 (formerly seven and three-quarters) per cent. preference stock of the Woking Company redeemable on 31st December 1988, for every one pound of such stock one pound of 5·425 per cent. preference stock of the Company redeemable on 31st December 1988, or, at the option of the Company, at any time on or after 1st January 1986, on giving three months' notice;

(*f*) to each holder of 7 (formerly ten) per cent. preference stock of the Woking Company redeemable on 1st July 1975, for every one pound of such stock one pound of 7 per cent. preference stock of the Company redeemable on 1st July 1975.

Conversion of existing shares of Company into stock.

7.—(1) Subject to the provisions of this section, the existing ordinary shares of the Company shall on the date of amalgamation be hereby converted into ordinary stock of the Company and the existing preference shares of the Company shall on that date be hereby converted into preference stock of the Company.

(2) As soon as reasonably practicable after the date of amalgamation the Company shall issue to holders of ordinary shares of the Company ordinary stock of the Company in the following proportions:—

(*a*) to each holder of 7 (formerly ten) per cent. ordinary shares of ten pounds each of the Company for every such share ten pounds of 7 per cent. ordinary stock of the Company;

(*b*) to each holder of 4·9 (formerly seven) per cent. ordinary shares of ten pounds each of the Company for every such share ten pounds of 4·9 per cent. "A" ordinary stock of the Company;

(*c*) to each holder of 3·5 (formerly five) per cent. ordinary shares of ten pounds each of the Company for every such share ten pounds of 3·5 per cent. ordinary stock of the Company.

(3) As soon as reasonably practicable after the date of amalgamation the Company shall issue to holders of preference shares of the Company preference stock of the Company in the following proportions:—

(*a*) to each holder of 4·2 (formerly six) per cent. preference shares of ten pounds each of the Company for every such share ten pounds of 4·2 per cent. preference stock of the Company;

(*b*) to each holder of 3·5 (formerly five) per cent. preference shares of ten pounds each of the Company for every such share ten pounds of 3·5 per cent. preference stock of the Company.

Issue of new certificates.

8.—(1) Each holder of shares or stock of the Woking Company or shares of the Company shall be entitled to a new certificate when he shall have delivered up to the Company for cancellation the existing certificate for which the new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and given such guarantee or indemnity in respect thereof as the directors may require:

Provided that the Company may at their option instead of cancelling any such existing certificate and issuing a new certificate in substitution therefor amend the existing certificate so as to show the amount of stock in the capital of the Company to which the holder of the certificate is entitled in accordance with the provisions of subsections (1), (2) and (3) of section 6 of this order or subsections (2) and (3) of section 7 of this order (as the case may be).

(2) Subject to the provisions of this section, until the issue of a new certificate or new certificates or an amended certificate or amended certificates (as the case may be) the holders of the ordinary shares and stock and preference shares and stock of the Woking Company or ordinary or preference shares of the Company shall according to the amount of substituted stock to be issued by virtue of this order in respect of their holdings have and possess the same rights and privileges as if the existing certificates for which such new or amended certificates are to be substituted were certificates for the amount of substituted stock so to be issued.

(3) For the purpose of facilitating the distribution of stock referred to in subsections (1), (2) and (3) of section 6 of this order among the holders entitled thereto the Woking Company shall not less than twenty-one days

before the date of amalgamation deliver to the Company a statement containing the names and addresses of the holders of ordinary and preference shares and ordinary and preference stock of the Woking Company and the number and class of shares and stock in the name of each such holder.

As to outstanding transfers and closing of transfer books.

9.—(1) All transfers or other dispositions of ordinary shares or stock or preference shares or stock of the Woking Company or of shares of the Company made but not registered prior to the issue to the holders thereof of the certificates for ordinary stock or preference stock of the Company to which those holders are respectively entitled under the foregoing provisions of this order shall, notwithstanding this order, be valid and have due effect given to them respectively as transfers or dispositions of the number of ordinary or preference shares or the amount of ordinary or preference stock of the Company which the number of ordinary or preference shares or the amount of ordinary or preference stock of the Woking Company or of shares of the Company thereby expressed to be transferred or disposed of and such nominal amount of ordinary or preference stock of the Company is or may be substituted therefor under the provisions of this order notwithstanding that the instrument transferring or disposing thereof may describe the shares or stock as ordinary or preference shares or stock of the Woking Company or as shares of the Company.

(2) The directors of the Woking Company shall finally close the registers of transfers of the Woking Company on a date not earlier than the seventh day immediately preceding the date of amalgamation and may do so without giving any notice thereof.

(3) In addition to any period during which they may close the registers of transfer under section 59 (Closing of transfer books) of the South West Suburban Water Act 1928(a), the directors may at any time before the date of amalgamation close the register of transfers of ordinary and preference shares and stock of the Company for a period not exceeding twenty-eight days and may fix a day for such closing by giving not less than seven days' notice by advertisement in a newspaper circulating in the existing limits.

Rights of holders of substituted securities.

10.—(1) Subject to the provisions of this order, any ordinary or preference stock of the Company issued to the holders of ordinary or preference shares or ordinary or preference stock of the Woking Company or of shares of the Company in pursuance of this order shall be held in the same rights, on the same trusts and subject to the same powers, provisions, charges and liabilities as those in, on or subject to which the ordinary or preference shares or ordinary or preference stock in substitution for which it is issued was held immediately before the date of amalgamation and so as to give effect to and not to revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting such ordinary or preference shares or ordinary or preference stock; and every such deed, will, instrument or disposition shall take effect with reference to the ordinary or preference stock of the Company substituted for such ordinary or preference shares or ordinary or preference stock.

(a) 1928 c. lxxviii.

(2) Any bequest of, or any covenant or provision of any deed, will or other instrument relating to, any ordinary or preference shares or ordinary or preference stock of the Woking Company or any shares of the Company shall be held to apply to the ordinary or preference stock of the Company issued under the provisions of this order in substitution for such ordinary or preference shares or ordinary or preference stock of the Woking Company or shares of the Company.

(3) Trustees, executors, administrators or other persons in any representative or fiduciary capacity and persons under disability may and shall accept the ordinary or preference stock of the Company issued to them under the provisions of this order and may hold, dispose of or otherwise deal with such ordinary or preference stock of the Company in all respects as they might have held, disposed of or otherwise dealt with the ordinary or preference shares or ordinary or preference stock of the Woking Company or the shares of the Company for which such ordinary or preference stock of the Company is substituted.

Receipt for stock.

11.—(1) The receipt in writing of a shareholder of the Woking Company or of the Company for any certificate delivered to that shareholder shall effectually discharge the Company from the amount of stock which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof; and if from any cause the Company are unable to obtain any such receipt they may lodge the certificate in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925(a) and a certificate given in accordance with those rules stating that such certificate has been so lodged shall have the same effect for the purposes of this section as the receipt of the shareholder.

(2) In the case of joint holdings the receipt of the first-named holder in the register of the Woking Company or the register of the Company, as the case may be, shall be a sufficient discharge to the Company for the amount of stock due to such joint holders.

Receipt in case of persons not sui juris.

12. If any amount of ordinary stock or preference stock is to be issued to a holder of share capital of the Woking Company or of the Company, being a minor or patient (within the meaning assigned to that expression by section 101 of the Mental Health Act 1959(b)), the receipt of his guardian or, as the case may be, receiver or other person authorised in that behalf under Part VIII of the said Act shall be a sufficient discharge to the Company.

As to debenture stocks of Woking Company.

13.—(1) The debenture stocks of the Woking Company outstanding on the date of amalgamation shall as from that day become and be debenture stocks respectively of the Company charged upon the undertaking in all respects as if they had been created or issued in the first place by the Company under the powers of and in accordance with the provisions of the existing enactments and as if instead of the Woking Company the Company had been a party thereto and had been named in the registers and certificates relating thereto.

(2) The interest on the said debenture stocks shall from the date of amalgamation rank pari passu with the interest on any debenture stock of the Company.

(a) 1925 c. 49. (b) 1959 c. 72.

14. The existing balance standing to the credit of the contingency fund account of the Woking Company may be carried to the credit of the contingency account of the Company and the existing balance standing to the credit of the revenue account of the Woking Company may be carried to the credit of the revenue account of the Company. Transfer of balances.

15.—(1) (*a*) The directors of the Woking Company may before the date of amalgamation and without first obtaining the sanction of that company in general meeting declare and pay in respect of any period ending on the day immediately preceding the date of amalgamation (being a period not exceeding fifteen months) dividends on the ordinary and preference shares and ordinary and preference stock of the Woking Company at such rates as, together with any dividends which have already been declared in respect of the said period, will not exceed the maximum rates of dividend attached to such shares and stock respectively. Payment of dividends by Woking Company.

(*b*) Any dividends authorised by the foregoing paragraph of this subsection may be declared before the date of amalgamation and paid before that date and, if not paid before that date, shall be paid thereafter by the Company and may be so paid without the directors first obtaining the sanction of the Company in general meeting.

(2) The directors of the Woking Company may also pay interest at the appropriate rates on the debenture stocks of the Woking Company in respect of any period ending on the day immediately preceding the date of amalgamation for which interest has not previously been paid, notwithstanding that payment of such interest is due only on or after that date.

(3) For the purposes of this section, the persons whose names appear as holders of ordinary or preference shares or ordinary or preference stock of the Woking Company or debenture stocks of the Woking Company in the books of the Woking Company on the twenty-eighth day immediately preceding the date of the declaration of any dividend or payment of any interest pursuant to subsection (1) or subsection (2) of this section or the day on which the register of transfers of the Woking Company is closed pursuant to subsection (2) of section 9 of this order, whichever is the later, shall, unless the contrary be proved to the satisfaction of the directors of the Woking Company, be deemed to be the holders of ordinary or preference shares or ordinary or preference stock of the Woking Company or debenture stocks of the Woking Company as the case may be.

16. On the date of amalgamation the Company shall, as compensation for loss of office, pay— Compensation to directors and auditors of Woking Company.

(1) to each of the following persons who is in office as a director of the Woking Company immediately before the date of amalgamation the following respective sums:—

(*a*) Godfrey Midgley Chassereau Taylor	£2,500
(*b*) Randolph Edward Docwra	£2,500
(*c*) Peter Doidge Davey	£4,000

(2) to the persons holding office on 1st January 1972, as auditors of the Company or the Woking Company, if they shall also hold such office immediately before the date of amalgamation, a sum equal to three times the amount of their fees (not including any amount recovered in addition thereto in respect of disbursements) as such auditors for the twelve months ending on 31st December 1972:

Provided that such persons shall not be entitled to receive (or, if paid, to retain) compensation under the provisions of this paragraph if they hold office as auditors of the Company within three years after the date of amalgamation.

Transfer of officers.

17.—(1) As from the date of amalgamation the Company shall take over and employ every officer or servant of the Woking Company who is then willing to enter the service of the Company at rates of salary or wages and emoluments and on terms and conditions not less favourable than those at or on which such officers and servants were respectively employed by the Woking Company immediately before the date of amalgamation.

(2) Where at any time within three years after the date of amalgamation the Company consider it necessary in the interests of their more efficient organisation or administration to require an officer or servant who has entered into their employment in pursuance of subsection (1) of this section to work at a place other than that at which he worked before that date, the Company shall reimburse him for any removal expenses and increased travelling expenses which he may incur, to such extent and for such period as shall be reasonable in the circumstances.

Compensation to officers and servants.

18.—(1) For the purposes of the application of the Water Officers (Compensation) Regulations 1964**(a)** to any person in consequence of this order or anything done in pursuance thereof the compensating authority shall be the Company; and for the purposes of the application of regulations 6(2), 7(1)(*a*), 12(2) and 13(1)(*a*) of the said regulations the material date shall be the date of amalgamation.

(2) In this section the reference to the Water Officers (Compensation) Regulations 1964 includes a reference to any regulations superseding the said regulations and the references to particular regulations of the said regulations include references to the corresponding regulations of any regulations superseding the said regulations.

As to pension schemes and pensioners of Woking Company.

19.—(1) The Company shall for the benefit of the officers and servants of the Woking Company who enter the service of the Company continue and keep in force the pension schemes relating to those officers and servants and in force immediately before the date of amalgamation.

(2) The Company shall as from the date of amalgamation continue to pay to the persons specified in column (1) of Schedule 2 to this order pensions of the respective annual amounts specified in column (2) of that Schedule being paid by the Woking Company immediately before the date of amalgamation, in accordance with the terms and arrangements relating thereto respectively in operation immediately before the date of amalgamation.

(3) Transferred officers and servants who immediately before the date of amalgamation are entitled to participate in the benefits of a superannuation fund by virtue of an admission agreement made under section 15(2) of the Local Government Superannuation Act 1953**(b)** shall be afforded by the Company superannuation rights not less favourable than those enjoyed by them under the Local Government Superannuation Acts 1937 to 1953 immediately before that date.

(a) S.I. 1964/26 (1964 I, p. 23). **(b)** 1953 c. 25.

(4) Any reference in the foregoing subsection (3) to the Local Government Superannuation Acts 1937 to 1953, or to any provision of those Acts, shall be construed as including a reference to those Acts, or to that provision, as the case may be, as having effect by virtue of paragraph 5 of Schedule 7 to the Superannuation Act 1972.(a)

(5) The admission agreement made on 8th April 1963 between the Woking Urban District Council and the Woking Company shall have effect from the date of amalgamation as an agreement between the said council and the North Surrey Water Company.

Winding up of Woking Company.

20.—(1) From and after the date of amalgamation the Woking Company shall subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this order so far as they relate to the Woking Company, and the directors of the Woking Company who are in office on the date of amalgamation, or the survivors of them, shall continue in office without re-election, and they or a majority of them or (if a liquidator be duly appointed) the liquidator shall have full power and authority to take all necessary proceedings for carrying into effect the purposes of this section.

(2) If the number of directors of the Woking Company be reduced below two at any time before the completion of the winding up of the Woking Company or the appointment of a liquidator thereof the continuing director of the Woking Company shall appoint a person who immediately before the date of amalgamation was a holder of ordinary shares of the Woking Company to fill the vacancy so caused.

(3) As soon as practicable after the date of amalgamation, the directors of the Woking Company or (if a liquidator be duly appointed) the liquidator shall proceed to wind up the affairs of the Woking Company.

(4) On publication in a local newspaper circulating in the administrative county of Surrey of a notice signed by two or more directors of the Woking Company, or by the liquidator (as the case may be), certifying that all the provisions of this order relating to the Woking Company have been complied with, the Woking Company shall be dissolved.

(5) The Company shall pay the reasonable costs and expenses incurred in the winding up of the Woking Company pursuant to this section and the amount of such costs and expenses shall, failing agreement, be settled by an arbitrator to be appointed by agreement between the directors of the Woking Company or the liquidator (as the case may be) and the Company or, failing agreement, by the President of the Law Society.

PART III

EXTENSION OF LIMITS OF SUPPLY, ETC.

Extension of limits of supply, etc.

21.—(1) On and after the date of amalgamation the limits of supply shall include the added limits.

(2) Subject to the provisions of this section the provisions of the existing enactments shall with all necessary modifications apply and have effect within the added limits and subject as aforesaid the Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities and shall be subject to the like duties and obligations as they have and are subject to within the existing limits:

(a) 1972 c. 11.

Provided that—

(*a*) nothing in this subsection shall be construed as extending or enlarging the scope of any of the provisions of the existing enactments which only apply to or affect a specified portion of the existing limits or are otherwise specifically of limited operation;

(*b*) for the purposes of section 60 of the Third Schedule (which empowers the undertakers to require the provision of cisterns in certain cases) as applied to the undertaking and incorporated with each of the local enactments by section 3 of the South West Suburban Water (No. 2) Order 1965(a) and as applied and having effect within the added limits by virtue of this section, the said section 60 shall have effect as if for the words "coming into force of this section" there were substituted the words "1st August 1899".

Repeal and application of local enactments.

22.—(1) The Woking enactments (except the provisions thereof specified in Schedule 3 to this order) shall as from the date of amalgamation be repealed except so far and for so long as it may be necessary for any of the provisions thereof to continue in force for the purposes of the winding up of the Woking Company and for giving effect to this order.

(2) The provisions of the Woking enactments specified in Schedule 3 to this order shall continue in force within the added limits to the extent to which they were in force within those limits immediately before the date of amalgamation and subject as aforesaid the Company shall be subject to the obligations and may exercise the rights and powers imposed and conferred by the said provisions as if the Company had been referred to therein instead of the Woking Company.

Charges in added limits.

23.—(1) The Company shall be entitled to make a water rate or annual water rates, as the case may be, for a supply of water for domestic purposes to any premises in the added limits—

(*a*) for the period beginning on the date of amalgamation to 31st March 1974 equivalent to the rate being charged immediately before the date of amalgamation in respect of water so supplied to premises in the added limits, due regard being had to the periods for which the respective rates are made;

(*b*) for the period beginning on 1st April 1974 to 31st March 1977 exceeding by ten per cent. the rate for the time being charged by the Company in respect of water so supplied to premises in the existing limits;

(*c*) for the period beginning on 1st April 1977 to 31st March 1979 exceeding by five per cent. the rate for the time being charged by the Company in respect of water so supplied to premises in the existing limits.

(2) After 31st March 1979 the rate to be made by the Company for a supply of water for domestic purposes to any premises in the added limits shall be the same as the rate to be made for water so supplied within the existing limits.

(3) Notwithstanding anything in the existing enactments the rate to be charged by the Company in respect of a supply of water for domestic purposes to premises in the added limits shall be calculated—

(a) S.I. 1965/1681.

(*a*) in the case of premises used partly as a house and either partly for business, trade or manufacturing purposes or partly for the exercise of functions by any public authority, on the whole of the first four hundred pounds (or such smaller amount as the Company may determine) of the net annual value thereof and, in so far as the net annual value exceeds that amount, on such proportion (not exceeding fifty per cent.) of the excess of the net annual value thereof as the Company from time to time determine; and

(*b*) in the case of premises used solely either for business, trade or manufacturing purposes or for the exercise of functions by any public authority, on such proportion (not exceeding fifty per cent.) of the net annual value thereof as the Company from time to time determine:

Provided that in any case where the water rate so chargeable does not exceed three pounds the Company may make in respect of the supply a minimum charge of one pound and fifty pence per half year.

(4) The Company shall be entitled to make charges for water supplied by meter within the added limits—

(*a*) for the period beginning on the date of amalgamation to 31st March 1974 equal to the charges being made immediately before the date of amalgamation for water so supplied within the added limits;

(*b*) for the period beginning on 1st April 1974 to 31st March 1977 exceeding by twenty per cent. the charges for the time being made for water so supplied within the existing limits;

(*c*) for the period beginning on 1st April 1977 to 31st March 1979 exceeding by ten per cent. the charges for the time being made for water so supplied within the existing limits.

(5) After 31st March 1979 the charge for water supplied by meter within the added limits shall be the same as the charge for water so supplied within the existing limits.

Transitional arrangements for payment of water rates in added limits.

24. In relation to the period between the date of amalgamation and 31st March 1974, section 55 of the Third Schedule as incorporated with and applied to the undertaking by the South West Suburban Water (No. 2) Order 1965 shall in its application to the added limits have effect as if the directors had not determined that water rates are to be payable by equal half-yearly instalments.

Construction of certain provisions of Thames Conservancy Acts and Orders 1932 to 1973.

25. As from the date of amalgamation the Thames Conservancy Acts and Orders 1932 to 1973 shall, where the context so permits, have effect as if for references therein to the Woking Company there were substituted references to the Company.

PART IV

FINANCIAL PROVISIONS

Capital and borrowing powers.

26.—(1) Subject to and in accordance with the provisions of this order, the Company may from time to time raise by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the

creation and issue of debenture stock or wholly or partly by any one or more of those modes respectively such sums as, when added to any money raised by the issue of the existing capital or borrowed by the issue of the existing loan capital, and in either case outstanding at the date or respective dates on which the Company exercise the powers of this section, shall be sufficient to produce in the aggregate twelve million pounds:

Provided that the aggregate of any sums so borrowed shall not (when added to any money borrowed by the issue of the existing loan capital and outstanding at the date or respective dates on which the Company exercise the powers of this section) exceed in the whole—

(*a*) the amount (including premiums and allowing for discounts) which for the time being has been raised by the Company by the creation and issue of share capital; and

(*b*) with the consent of the Secretary of State an additional amount not exceeding five per cent. of such first-mentioned amount.

(2) The Company may raise sums by the creation and issue of share capital under subsection (1) of this section by the creation and issue of further amounts of ordinary stock or of preference stock or by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of these modes respectively.

(3) For the purposes of this section the amount raised by the issue of any share capital shall be taken to be the amount raised after taking into account any premiums or discounts which may be obtained or allowed on the issue or re-issue thereof.

(4) The Company may exercise their powers of borrowing money under this section without obtaining any certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845.

(5) For the purposes of this order an amount of £3,633,352 shall be deemed to have been raised by the issues of the stocks created by and issued under this order and the nominal amount of any share capital or debenture stock which has been or shall hereafter be issued for a consideration other than cash shall be deemed to have been raised by the issue of such share capital or debenture stock, as the case may be.

(6) The unexercised powers of the Company for raising money by the creation and issue of additional share capital under the existing enactments shall cease to be exercisable.

Maximum rates of dividend.

27.—(1) The Company shall not in respect of any year pay dividends on paid-up share capital at rates greater than the following rates:—

(*a*) on ordinary or preference capital subscribed before the date on which this order comes into operation, the rates which they were entitled to pay thereon immediately before that date;

(*b*) on capital created by and issued under this order the rates respectively prescribed in respect thereof in section 5 (Creation of capital) of this order;

(*c*) on capital subscribed during the initial period—

(i) in the case of ordinary capital, ten per cent.;

(ii) in the case of preference capital, twelve per cent.; and

(*d*) on capital subscribed after the expiration of the initial period—

(i) in the case of ordinary capital, seven per cent. or such higher rate, not exceeding ten per cent. as the Secretary of State may in respect of any subscription allow; or

(ii) in the case of preference capital, seven per cent. or such higher rate not exceeding twelve per cent. as the Secretary of State may in respect of any subscription allow.

In this section "the initial period" means the period of five years beginning with the commencement of this order.

(2) Nothing in the last foregoing subsection shall prevent the payment of a greater dividend on ordinary shares or stock in order to make up deficiencies in previous dividends:

Provided that, as respects ordinary capital other than the ordinary stock referred to in paragraph (*a*) and the 4·9 per cent. "A" ordinary stock referred to in paragraph (*b*) of subsection (1) of the said section 5 of this order, this subsection shall apply only in relation to deficiencies arising during the last five years before the year in respect of which a dividend is being paid.

Interest on borrowed money.

28. The Company shall not pay interest on any moneys borrowed or debenture stock issued under section 26 (Capital and borrowing powers) of this order at a higher rate than seven per cent. per annum or such higher rate as the Secretary of State may from time to time allow:

Provided that the consent of the Secretary of State shall not be required to the payment of interest on moneys borrowed by the Company on mortgage of the undertaking or by the issue of debenture stock at a rate higher than seven per cent. per annum if the rate is a fixed rate and is certified to the Company as being appropriate in the circumstances of the case by—

(*a*) the firm of stockbrokers, being members of a recognised stock exchange (as defined in the Prevention of Fraud (Investments) Act 1958(a)), or the bankers who placed the mortgage or placed or underwrote the issue of debenture stock; or

(*b*) in the case of the raising of money on mortgage, an accountant or firm of accountants being either the duly appointed auditor or auditors of the Company or a person qualified to be so appointed.

Application of certain enactments.

29. The following provisions of the South West Suburban Water Act 1934(b) shall, subject to the provisions of this order, so far as applicable extend and apply in relation to any share capital, debenture stock or mortgages created and issued or granted under the provisions of this order as if those enactments with any necessary modifications were re-enacted in this order:—

Section 25 (New shares or stock to be subject to same incidents as other shares or stock);

Section 26 (New shares or stock to form part of the capital of the Company);

Section 27 (Restriction as to votes in respect of preference shares or stock);

(a) 1958 c. 45.

(b) 1934 c. xxxvi.

Section 34 (Debenture stock);

Section 35 (Priority of mortgages and debenture stock over other debts);

Section 42 (Application of money).

PART V

MISCELLANEOUS PROVISIONS

Power to maintain, etc., works and to take waters.

30.—(1) From and after the date of amalgamation the Company may continue and maintain the works transferred to them by virtue of this order for the purposes of the undertaking, and may subject to the provisions of Part IV of the Water Resources Act 1963(a) take for the purposes of the undertaking all or any of the waters which will or may be taken or intercepted by the said works and which the Woking Company might have taken if this order had not been made.

(2) For the purposes of the Third Schedule as applied to the undertaking by the South West Suburban Water (No. 2) Order 1965 any mains, pipes or other works so transferred shall be deemed to have been laid or constructed by the Company.

Saving of pending actions.

31. Any action, arbitration or proceeding or cause of action, arbitration or proceeding pending or existing on the date of amalgamation by or against or in favour of the Woking Company shall not abate or be discontinued or be in anywise prejudicially affected by the transfer to the Company of the Woking undertaking or by anything in this order but may be continued, prosecuted and enforced by, against or in favour of the Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the Woking Company if this order had not been made but not further or otherwise.

Saving of contracts.

32. Subject to the provisions of this order, all contracts (other than contracts the benefits of, and the liabilities under, which are not transferred by this order), agreements, conveyances, deeds, leases, licences and other instruments affecting the Woking undertaking and in force on the date of amalgamation shall as from that date be as binding and of as full force and effect against or in favour of the Company and may be enforced against or in favour of the Company as fully and effectually as if instead of the Woking Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof but nothing in this order or done thereunder shall prejudice or affect the right of the Company to terminate any such contract or agreement at such time and in such manner as it might have been terminated if this order had not been made.

Saving for protective provisions.

33. The provisions of any protective section for the benefit of the Woking Company contained in any enactment shall enure on and after the date of amalgamation for the benefit of the Company and shall be construed as if a reference to the Company were substituted for any reference to the Woking Company.

(a) 1963 c. 38.

Collection of outstanding debts.

34. All rents, rates and charges and other sums and debts on the date of amalgamation due and payable or accruing due and payable to the Woking Company shall be payable to and may be collected, recovered and enforced by the Company in the same manner and with the same benefits and by the same processes as those with and by which the Woking Company might have collected, recovered and enforced the same and shall belong to the Company for their own benefit.

Transfer of liabilities.

35. The Company shall discharge or indemnify the Woking Company against all debts and liabilities of the Woking undertaking which are outstanding on the date of amalgamation (other than those relating to the debenture stocks of the Woking Company) and shall observe and perform all obligations which attach on that date to the Woking undertaking and shall indemnify the Woking Company against any claim or demand in respect thereof.

Books, etc., to remain evidence.

36. All books and documents which if this order had not been made would have been evidence in respect of any matter for or against the Woking Company in relation to the Woking undertaking shall on and after the date of amalgamation be admissible in evidence in respect of the same or the like matter for or against the Company.

Change of name.

37. On and after the date of amalgamation the name of the Company shall be changed to the "North Surrey Water Company".

Additional directors of Company.

38. As from the date of amalgamation Charles Colin Docwra and Barron Arthur Holroyd shall become and be directors of the Company and shall retire by rotation and be eligible for re-election as if they had been appointed at the last ordinary general meeting of the Company held before the date of amalgamation.

Voting rights.

39.—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of ordinary stock and every holder of the 3·85 per cent. irredeemable preference stock, the 3·15 per cent. irredeemable preference stock, the 2·975 per cent. redeemable preference stock and the 3·85 per cent. redeemable preference stock created respectively by virtue of paragraphs (*g*), (*h*), (*i*) and (*k*) of section 5 (Creation of capital) of this order and of any other preference stock to which voting rights are attached by the resolution creating such stock shall on a show of hands be entitled to one vote and on a poll to one vote for each one pound of such stock held by him.

(2) Section 43 of the South West Suburban Water Act 1934 is hereby repealed.

Fringe orders.

40.—(1) Any order made under section 11 of the Act of 1945 and in force immediately before the date of amalgamation, authorising the Woking Company to supply water in an area which is not within the limits of supply of the Company, shall as from the date of amalgamation have effect in respect of that area as if it were an order made under section 11 of the Act of 1945 authorising the Company to supply water in that area.

(2) Save as aforesaid any order authorising the Woking Company to supply water under section 11 of the Act of 1945 shall as from the date of amalgamation cease to have effect.

(3) Where immediately before the date of amalgamation any statutory water undertakers (other than the Woking Company) were supplying water within the added limits by virtue of a consent given by the Woking Company under section 11 of the Act of 1945 that consent shall be deemed to have been given by the Company.

(4) Any order made under section 11 of the Act of 1945 and in force immediately before the date of amalgamation, authorising the Company to supply water within the added limits, shall as from the date of amalgamation cease to have effect.

Byelaws.

41. As from the date of amalgamation the byelaws made by the Woking Company under section 17 of the Act of 1945 and confirmed by the Minister of Housing and Local Government on 2nd July 1968 shall be deemed to have been made by the Company and shall continue to have effect in their application to water supplied in the added limits.

Transfer of licences under Water Resources Act 1963.

42. Any licence issued under the Water Resources Act 1963 to the Woking Company before the date of amalgamation in so far as it is a licence to abstract water or to obstruct or impede the flow of any inland water or to do both these things by means of works transferred by this order or works, machinery or apparatus which the Company are authorised to construct or install in pursuance of any enactment applied to them by this order, shall on the date of amalgamation be transferred by virtue of this order to the Company and the Company shall thereupon by virtue of sections 32(5) and 37(4) of the said Act of 1963 to that intent become the holder of such licence for the purposes of that Act.

Quorum for general meetings.

43. The quorum for every general meeting of the Company, whether ordinary or extraordinary, shall be at least five shareholders present in person or by proxy.

Qualification of directors.

44.—(1) The qualification of a director shall be the possession in his own right of stock of the Company of the nominal value of not less than one hundred pounds.

(2) For the purposes of this section the expression "stock" shall mean stock to which voting rights are attached.

(3) Section 45 (Qualification of directors) of the South West Suburban Water Act 1883(**a**) is hereby repealed.

As to appointment of proxies.

45.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845—

(*a*) a proxy appointed to vote for or on behalf of a member of the Company need not himself be a shareholder and accordingly section 76 of the said Act of 1845 as incorporated with the North Surrey Water Acts and Orders 1877 to 1973 shall have effect as if the words "being shareholders" were omitted;

(*b*) the attorney of any member duly authorised in writing or, in the case of a corporation, an officer or attorney so authorised, may appoint a proxy to vote for and on behalf of the member and for that purpose may execute on behalf of the member the necessary form of proxy:

(**a**) 1883 c. cxlvii.

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

(2) Section 65 (As to appointment of proxies) of the South West Suburban Water Act 1928 is hereby repealed.

46. All costs, charges and expenses of and incidental to the application for this order and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue. Costs of order.

SCHEDULES

SCHEDULE 1

PART I

EXISTING ORDINARY AND PREFERENCE CAPITAL

	Nominal amount £
7·0% Ordinary Stock	178,250
4·9% "A" Ordinary Stock	221,660
4·9% "B" Ordinary Stock	113,070
3·5% Ordinary Stock	855,730
3·5 (formerly 5)% Ordinary Stock	500,000
4·2% Preference Stock	54,030
3·5% Preference Stock	306,530
3·85% Preference Stock	25,000
3·15% Preference Stock	25,000
4·55 (formerly 6½)% Redeemable Preference Stock 1980/81 ...	300,000
3·85 (formerly 5½)% Redeemable Preference Stock 1981/83 ...	100,479
4·2 (formerly 6)% Redeemable Preference Stock 1984/86 ...	273,731
2·975% Redeemable Preference Stock 1974	100,000
3·15% Redeemable Preference Stock 1980	66,110
3·85% Redeemable Preference Stock 1983	83,050
3·85% Redeemable Preference Stock 1984	254,922
5·425% Redeemable Preference Stock 1986/88	600,000
7·0% Redeemable Preference Stock 1975	750,000

PART II

EXISTING LOAN CAPITAL

	Nominal amount £
4% Debenture Stock	213,207
4¼% Debenture Stock	42,400
5¼% Debenture Stock	97,600
5% Debenture Stock	56,505
3½% Debenture Stock	20,000
4¼% Redeemable Debenture Stock 1974	50,000
4¼% Redeemable Debenture Stock 1975/78	45,106
5¾% Redeemable Debenture Stock 1978	225,000
6% Redeemable Debenture Stock 1978	260,000
5½% Redeemable Debenture Stock 1980	50,000
6% Redeemable Debenture Stock 1978/80	50,000
5½% Redeemable Debenture Stock 1982	30,000
6% Redeemable Debenture Stock 1984/87	250,000
7¼% Redeemable Debenture Stock 1991/93	956,020
7½% Redeemable Debenture Stock 1991/93	200,000
9½% Redeemable Debenture Stock 1994/96	1,000,000

SCHEDULE 2

Name of person entitled to pension (1)	Amount of pension (2)
	£
F. W. Grimwood	975·00
J. Jagger	2,300·00
A. Fleming	619·00
P. Redmond	228·00
R. W. Maynard	538·00
J. Fleming	267·00
G. F. Young	204·00
J. C. Bassett	397·00
F. J. Habgood	791·00
J. Earp	86·00
A. S. Worsfold	673·00
H. J. Wright	78·00
C. Smallbone	78·00
E. R. Durdle	199·00
E. E. Gibbs	236·00
R. Hurcombe	72·00
S. Sturt	20·00

Name of person entitled to pension (1)	Amount of pension (2)
	£
W. Bennett	192·00
H. Griggs	286·00
W. Parker	193·00
J. Clarke	193·00
E. H. Rudd	154·00
Mrs. G. Cave	260·00
Mrs. Hesketh	208·00
Mrs. Taylor	182·00
Mrs. Hicks	154·00
Mrs. Mepham	375·00
Mrs. Grundy	759·00
D. T. Perry	187·00
Mrs. Strong	156·00
C. Fennell	62·40
A. Blastock	224·64
W. Green	327·96
F. E. Eagle	130·00
W. S. Froom	229·90
Mrs. James	324·00
R. G. Carter	1,000·00

SCHEDULE 3

Woking Enactments Saved from Repeal

Woking Water and Gas Act 1881(a)—

Section 31 (Power to make water works).

Section 32 (Protection of the Surrey County Bridges).

Woking Water and Gas Act 1899(b)—

Section 5 (Power to make new waterworks).

Section 6 (Power to Company to take water from River Thames).

Section 7 (For protection of Conservators of River Thames).

Section 8 (Power to Company to take water from River Thames in excess of quantity above limited).

Section 9 (For ascertaining the flow of water over Teddington Weir).

Section 10 (Penalty as to taking excess water).

Section 13 (No solid matter to be discharged into River Thames).

Section 16 (As to ascertaining quantities of water taken from River Thames).

Section 17 (Saving rights &c. of conservators).

Section 18 (Power to take and use waters).

Section 19 (Power to make subsidiary works).

Section 20 (Agreements with Postmaster-General).

Section 25 (For protection of London and South Western Railway Company).

Section 26 (For protection of Earl of Lucan).

Section 27 (For protection of owners of Abbey Chase Estate).

Section 39 (For protection of Guildford Rural District Council).

(a) 1881 c. cxvi. (b) 1899 c. clxxi.

Woking Water Order 1959(a)—
Section 11 (Partial repeal of West Surrey Water Acts and Orders) except subsection (1), paragraph (*a*) of subsection (2) and subsection (3).
Section 12 (Amendment and construction of Thames Conservancy Acts 1932 to 1959).
Second Schedule Part II.

Woking Water Order 1963(b)—
Section 2 (Temporary power to take additional water from River Thames)

Woking Water (No. 2) Order 1965(c)—
Section 2 (Extension of temporary power to take additional water from River Thames).

West Surrey and Woking (Variations of Limits) Water Order 1969(d).

J. E. Beddoe,
An Under Secretary in the Department of the Environment

Signed by authority of the Secretary of State
20th September 1973

(a) S.I. 1959/1793.
(b) S.I. 1963/866.
(c) S.I. 1965/1111.
(d) S.I. 1969/1144.

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