CHAPTER lxxxii.

An Act to authorise the West Hampshire Water Company to construct new works and to raise additional capital to confirm the construction of certain existing works to extend the Company's limits of supply and for other purposes. A.D. 1926.

[4th August 1926.]

WHEREAS the West Hampshire Water Company (in this Act called "the Company") were incorporated by the West Hampshire Water Act 1893 and are by the West Hampshire Water Acts and Order 1893 to 1919 empowered to supply water within the limits and to the extent mentioned in the said Acts and Order;

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

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

And whereas it is expedient that the acquisition of certain lands and the construction of certain works by the Company should be sanctioned and confirmed:

[*Price* 1*s.* 6*d. Net.*]

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And whereas by the said Acts and Order and by the West Hampshire Water Company (Capital Issues) Consent 1921 and the West Hampshire Water (Capital Issues) Consent 1923 the Company are authorised to raise capital to the amount in the aggregate of one hundred thousand pounds and to borrow on mortgage or raise by the issue of debenture stock sums not exceeding in the whole fifty thousand pounds:

And whereas the Company have raised capital to the extent of ninety-nine thousand nine hundred and ninety-six pounds four shillings by the creation and issue of ordinary and preference shares and have raised by the creation and issue of debenture stock sums amounting in the aggregate to forty-nine thousand nine hundred and twenty-five pounds:

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

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

And whereas plans and sections of the works authorised by this Act showing the lines or situation and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Southampton and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in

this present Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1926.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the West Hampshire Water Act 1926 and the West Hampshire Water Acts and Order 1893 to 1919 and this Act may be cited together and are in this Act referred to as the West Hampshire Water Acts and Order 1893 to 1926.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the West Hampshire Water Acts and Order 1893 to 1926) are hereby incorporated with this Act (namely) :—

(1) The Waterworks Clauses Acts 1847 and 1863 except the words " with the consent in writing " of the owner or reputed owner of any such " house or of the agent of such owner " in section 44 of the Waterworks Clauses Act 1847 :

(2) The Lands Clauses Acts :

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

(3) The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

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

(5) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the said provisions for the purposes of this Act the expression "the railway" shall mean the reservoir and so much of any line or lines of pipes by this Act authorised as will not be constructed in a highway and "the centre of the railway" shall mean the centre lines of so much of any line or lines of pipes as aforesaid.

Interpretation.

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

"The Company" means the West Hampshire Water Company;

"The Act of 1893" means the West Hampshire Water Act 1893;

"The Act of 1902" means the West Hampshire Water Act 1902;

"The Act of 1913" means the West Hampshire Water Act 1913;

"The Order of 1919" means the West Hampshire Water Order 1919;

"The Consent of 1921" means the West Hampshire Water Company (Capital Issues) Consent 1921;

"The Consent of 1923" means the West Hampshire Water (Capital Issues) Consent 1923;

"The existing limits of supply" means the area within which the Company are by the West Hampshire Water Acts and Order 1893 to 1919 authorised to supply water;

"The added limits of supply" means the area comprising the parish added by this Act to the existing limits;

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

"The new waterworks" means the works described or referred to in the section of this Act the marginal note whereof is "Power to make works";

"The existing waterworks" means the works described or referred to in the section of this Act the marginal note whereof is "Confirming construction of works and acquisition of lands";

"The undertaking" means the undertaking of the Company as authorised by the West Hampshire Water Acts and Order 1893 to 1926;

"The directors" means the directors of the Company.

EXTENSION OF LIMITS.

Extension of limits of supply.

4. The limits within which the Company may supply water and exercise the powers rights privileges and authorities conferred upon them by the West Hampshire Water Acts and Order 1893 to 1926 shall extend to and include in addition to the existing limits of supply the parish of Burley in the rural district of Ringwood in the county of Southampton and within and

A.D. 1926. throughout the limits of supply the West Hampshire Water Acts and Order 1893 to 1926 shall henceforth be in full force and have effect.

Local authority or company may supply if Company do not.

5. If after the expiration of seven years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in the parish of Burley in accordance with the provisions of this Act the local authority of the district comprising the said parish may provide a supply within the added limits of supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of supplying water in any part of such added limits not sufficiently supplied by the Company and for the repeal of the powers of the Company in that behalf.

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

WORKS AND LANDS.

Power to make works.

6. Subject to the provisions of this Act the Company may in the county of Southampton in the lines or situation and upon the land delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain :—

Work No. 1 An aqueduct conduit or line or lines of pipes to be situated wholly in the parish of Hurn in the rural district of Christchurch commencing by a junction with the existing mains of the Company at a point sixteen yards or thereabouts measured in an easterly direction from the south-western corner of the enclosure numbered 516 in the said parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 3 and terminating in the service reservoir (Work No. 2) hereinafter described;

Work No. 2 A service reservoir to be situated in the said parish of Hurn in the enclosure numbered 422 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 3 distant 343 yards or thereabouts measured in a northerly direction from the northern corner of the enclosure numbered 516 on the said map;

Work No. 3 An aqueduct conduit or line or lines of pipes to be situated wholly in the said parish of Hurn commencing in the service reservoir (Work No. 2) hereinbefore described and terminating in the River Stour at a point two hundred and seven yards or thereabouts measured in a southerly direction along the bank of that river from the south-western corner of the enclosure numbered 499 in the said parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 3;

Work No. 4 An aqueduct conduit or line or lines of pipes to be situated partly in the borough of Christchurch and partly in the parish of Christchurch East in the rural district of Christchurch commencing by a junction with the existing mains of the Company at a point forty yards or thereabouts measured in a north-easterly direction from the northern corner of the enclosure numbered 157 in the borough of Christchurch on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 7 and terminating by a junction with the existing mains of the Company in the main road between Highcliffe and Christchurch at a point forty-two yards or thereabouts measured in a south-westerly direction from the centre of Somerford Bridge;

Work No. 5 An aqueduct conduit or line or lines of pipes to be situated wholly in the said parish of Christchurch East commencing by a junction with the aqueduct conduit or line or lines of pipes (Work No. 4) hereinbefore described at a point forty-seven yards or thereabouts measured in a north-westerly direction from the north-western corner of the enclosure numbered

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1370a in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 7 and terminating in the road known as Stony Lane at a point twelve yards or thereabouts measured in a northerly direction from the north-eastern corner of the enclosure numbered 932 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 4.

In addition to the foregoing works the Company may upon the said land make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before mentioned works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Confirming construction of works and acquisition of lands.

7. The construction by the Company of the works next hereinafter described is hereby sanctioned and confirmed and the Company may maintain and from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may retain hold and use for the purposes and as part of the undertaking all or any of the lands or any interest in the lands in this section described which have been already acquired by the Company for the purposes of or in connection with the said works and the acquisition of such lands by the Company is hereby sanctioned and confirmed.

The works and lands hereinbefore referred to are situate in the county of Southampton and are :—

Work No. 6 A service reservoir situated in the parish of Hurn in the rural district of Christchurch on land comprising two acres or thereabouts being the whole of the enclosure numbered 516 and part of the enclosure numbered 422 in that parish on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 3;

Work No. 7 An aqueduct conduit or line or lines of pipes situated partly in the borough of Christchurch and partly in the said parish of Hurn commencing in the pumping station

(Work No. 8) hereinafter described and terminating in the service reservoir (Work No. 6) hereinbefore described and situate partly in public roads and partly in land comprising two roods eighteen perches or thereabouts being part of the enclosures numbered 556 544 and 422 in the said parish of Hurn on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 3;

Work No. 8 A pumping station situated in the borough of Christchurch on lands comprising three acres two roods twenty-nine perches or thereabouts being the whole of the enclosures numbered 146 and 147 and part of the enclosures numbered 117 and 151 in that borough on the $\frac{1}{2500}$ scale Ordnance map (edition 1924) Hampshire sheet LXXXVI. 7 with an intake pipe situate on the right bank of the River Avon at a point forty-five feet or thereabouts northwards of Knapp Mill and dams turbines electric motors and generators pumping engines filters works appliances and conveniences used in connection with the said pumping station or subsidiary thereto:

Provided always that the Company shall not at any time enlarge under the powers of this section the intake pipe at the pumping station (Work No. 8) hereinbefore described to any greater diameter than eighteen inches Provided also that the Company shall so construct their works as not to cause water to flow through the said intake pipe otherwise than by gravity and that the centre of the mouth of the said intake pipe shall be at a level of not more than four feet below the iron pin fixed in the north-east wing wall of the Great Weir at Knapp Mill Christchurch.

Interpretation of section 24 of Act of 1893.

8. For the removal of doubts it is hereby declared that the powers conferred upon the Company by section 24 (Power to make waterworks) of the Act of 1893 shall be deemed to include and always to have included power to construct such water towers as may be necessary or convenient in connection with the supply of water within the limits of supply.

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Works to form part of undertaking.

9. Subject to the provisions of this Act the new waterworks and the works and lands mentioned in the section of this Act whereof the marginal note is "Confirming construction of works and acquisition of lands" shall for all purposes whatsoever form part of and be comprised in the undertaking.

Limits of deviation.

10. In the construction of the new waterworks the Company may subject to the provisions of this Act deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade.

Power to take waters.

11. Subject to the provisions of this Act and without prejudice to the powers conferred upon the Company by section 27 (Power to alter and improve works and take water) of the Act of 1893 the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking the waters of the River Avon and all such streams springs and waters which will or may be taken or intercepted by means of the existing waterworks Provided that no water taken from the River Avon shall be supplied by the Company for domestic use unless and until satisfactory provision shall have been made for filtering and otherwise purifying the same so as to enable the Company to comply with the provisions of section 35 of the Waterworks Clauses Act 1847 as to the supply of pure and wholesome water for domestic use.

Limiting powers of Company to abstract water.

12. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Period for completion of works.

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

for the making of the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require. A.D. 1926.

Works below high-water mark not to be constructed without consent of Board of Trade.

14. The Company shall not under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Cables pipes or wires on under or over tidal waters or tidal lands.

15. Notwithstanding anything in this Act any cables pipes or wires to be laid or placed under the powers of this Act by the Company on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Board of Trade may require.

For protection of Southern Railway Company.

16. For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company have effect with respect to the exercise

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by the Company of the powers conferred upon the Company by this Act or by the Act of 1893 and with respect to any works to be executed by the Company in exercise of such powers (that is to say):—

(1) In laying and also (except in cases of emergency) in effecting renewals of any mains pipes culverts or other works over upon across or under the railways bridges roads and works of the railway company (in this section together referred to as "the railways of the railway company") the Company shall execute such works in accordance with plans and sections previously submitted to and reasonably approved by the principal engineer of the railway company (in this section referred to as "the engineer") Such works and repairs thereof shall be executed with all reasonable dispatch and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer Provided that if the engineer does not express his approval or disapproval of the said plans and sections within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof:

(2) The Company shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges level crossings and approaches (including in the case of a level crossing the railways of the railway company) which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all the works matters and things aforesaid shall be constructed executed and done so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interference with the passage or conduct of traffic on the railways of the railway company:

(3) If the railway company so elect they may themselves in the case of any level crossing execute such works (other than the actual laying down and maintenance of the pipes) and may recover

the reasonable costs of so doing from the Company: A.D. 1926.

(4) The Company shall if required so to do by the engineer provide and maintain such stopcocks as may be reasonably necessary on any mains or pipes to be laid by the Company on over under or in any way affecting the railways of the railway company:

(5) The Company shall bear and on demand pay to the railway company the reasonable expenses of the superintendence by the engineer of the said works when the same are carried out by the Company and all reasonable costs of watching lighting and protecting the railways of the railway company during the carrying out of the said works and the superintendence of the engineer (if given as aforesaid) shall not relieve the Company from any liability which would otherwise attach to them for any accident which might be occasioned by the acts or defaults of their contractors agents or workmen in the execution of the said works:

(6) If any such injury or interruption of traffic as aforesaid shall arise from or be in any way owing to any of the acts or operations of the Company in connection with the matters and things aforesaid or the failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company:

(7) The railway company may at any time or times hereafter upon giving to the Company not less than seven days' notice thereof in writing signed by the engineer call upon the Company at the cost in all things of the railway company to divert or alter the level of any conduit main pipe apparatus or other work of the Company passing in over upon across or under or in any way affecting the railways of the railway company so as to admit of any repairs renewals widenings alterations or extensions of the railways of the railway company which they may think necessary:

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(8) The Company shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting any repair renewal widening alteration or extension of the railways of the railway company in pursuance of any powers existing at the date of this Act by reason of the existence of any mains pipes apparatus or works of the Company in over upon across or under the railways of the railway company:

(9) Any dispute or difference which may arise between the Company and the railway company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Hampshire Rivers Board of Conservators and others.

17. For the protection of the Hampshire Rivers Board of Conservators (in this section referred to as "the board") and Mary Frances Mills John Digby Mills and Newton Seymour Allen or other the owner or owners for the time being of the fishery known as "the Royalty Fishery" at or near Christchurch in the county of Southampton in the River Avon from a place called Alderbush southward to a place called Claypool where the said river runs into and unites with the River Stour and also in the said River Stour from a place called Iford Oat or Iford Dowels southward to Claypool aforesaid and from thence in the said united waters to the Haven Mouth including Christchurch Harbour (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the Company on the one hand and the board and the owners on the other hand apply and have effect (that is to say):—

(1) (*a*) In this subsection the expression "night" means the period from eleven p.m. to seven a.m. Greenwich mean time or such other period as

may be agreed in writing between the Company and the owners;

(*b*) Subject to the provisions of this subsection the board with the concurrence of the owners may by previous notice in writing from time to time require the Company to cease to operate the turbines at the Knapp Mill pumping station on such nights as may be specified in such notice for the number of hours hereinafter mentioned (that is to say):—

For six hours on each night between the fifteenth day of July and the fifteenth day of October in respect of which at least fo ty-eight hours' previous notice shall have been given to the Company;

For eight hours on each night between the first day of January and the fourteenth day of July and between the sixteenth day of October and the thirty-first day of December in respect of which at least twenty-four hours' previous notice shall have been given to the Company;

(*c*) The Company shall not be required to cease to operate their turbines on more than sixteen nights during any period of twelve months ending on the thirty-first day of December or on more than one night in any week or on any two consecutive nights;

(*d*) During such hours as the Company shall pursuant to the provision of this subsection cease to operate the said turbines all the hatches and ground boards of the Great Weir at Knapp Mill Christchurch shall be raised clear of the water:

(2) The owners may regulate the hatches racks and ground boards of the Great Weir and of the Mill Weir at Knapp Mill for the following purposes and at the following times (that is to say):—

(*a*) For the purpose of netting salmon in the three pools below the Great Weir at any time or times between the first day of February and the thirty-first day of July in every

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year provided that the powers of this subsection shall not be exercised in such manner as to cause a more serious or prolonged disturbance to the Company or the undertaking than is reasonably necessary for the said purpose;

(*b*) For the purpose of drawing up salmon and migratory trout between the first day of February and the thirty-first day of July in every year for one hour at a time on any Friday or Saturday provided that the owners shall give to the Company not less than twelve hours' previous notice in writing;

(*c*) For the purpose of eel fishing after dark upon not more than eight occasions between the first day of August and the thirty-first day of January in every period of twelve months ending on the thirty-first day of January and not exceeding ten hours on any such occasion provided that the owners shall give to the Company not less than four hours' previous notice:

(3) The board or the owners may on giving previous notice to the Company at the Knapp Mill pumping station raise the hatches of the Mill Weir to such extent at such times and for such periods (not being more than thirty minutes at any one time) as may be reasonably necessary for the purpose of letting down smolts and kelts:

(4) The owners shall twice in every year efficiently cut all weeds in that portion of the River Avon belonging to them:

(5) Subject as hereinbefore provided the Company may regulate the hatches and ground boards of the Great Weir in such manner as they may think fit for the purpose of maintaining the supply of water to the said turbines but the Company shall so regulate the supply of water to the said turbines as not to allow the level of the water immediately above the Great Weir to fall below the iron pin (the underside of which is 8.96 feet above Ordnance datum 1924 edition of the Ordnance survey) fixed in the north-east

wing wall of the Great Weir and so that there shall at all times be such a flow of water as will enable salmon and migratory trout to pass up and down the pass in the Great Weir :

(6) The Company shall not raise the hatches of the Mill Weir for any other purposes than facilitating the examining repairing cleaning enlarging and reconstructing of the said intake pipe or other works of the Company or the letting down of flood waters and of weeds refuse or other obstructions Flood waters shall be deemed to exist so long as the level of the water at the Great Weir shall be five inches or more above the said pin when all hatches and ground boards of the Great Weir are raised clear of the water :

(7) The Company shall provide and at all times maintain :—

(*a*) For the purpose of preventing salmon or migratory trout entering the Knapp Mill tail race an efficient grating or other device (such grating or other device to be approved by the Minister of Agriculture and Fisheries) at or near the junction of such tail race with the main stream of the River Avon ;

(*b*) For the purpose of preventing salmon or migratory trout being drawn through the turbines an efficient grating or other device (such grating or other device to be approved by the said Minister) at or near the said turbines above the Knapp Mill pumping station ;

(*c*) For the purpose of preventing fish being drawn into the said intake pipe an efficient small mesh grating or other device (such grating or other device to be approved by the said Minister) at or over the mouth of such intake pipe :

(8) The Company paying annually to the owners the sum of five shillings by way of acknowledgment may lay down and maintain such parts of Works Nos. 4 and 5 by this Act authorised as will or may be situate on over through or under such

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of the lands of the owners as are delineated on the deposited plans and described in the deposited book of reference and in the event of any part of such works being carried on or over the piers of the Great Weir the Company shall thereafter at their own cost repair and maintain the piers of the Great Weir All works of construction or maintenance affecting the Great Weir shall be carried out to the reasonable satisfaction of the board and of the owners :

(9) Such of the provisions of the indenture dated the first day of September one thousand nine hundred and twenty and made between Mary Frances Mills of the first part John Digby Mills and Newton Seymour Allen of the second part the Company of the third part and Robert Everard Druitt of the fourth part as are inconsistent with the provisions of this section shall be and the same are hereby cancelled and annulled :

(10) It shall be lawful for the Company at any time to purchase by agreement the Royalty Fishery together with the land dwelling-house and other hereditaments used occupied and enjoyed with or belonging or reputed to belong to the said fishery upon such terms and conditions as may be agreed between the Company and the owners provided that nothing in this subsection shall be deemed to impose upon the owners any obligation to sell the same :

(11) During the remainder of the term granted by an indenture of lease dated the eighteenth day of February one thousand nine hundred and twenty and made between Mary Frances Mills of the one part and the Right Honourable John Thomas Baron Manners John Digby Mills the Right Honourable Charles John Earl of Egmont William Buckley Gladstone and the Right Honourable Sidney James Earl of Normanton of the other part which lease was by deed dated the thirtieth day of March one thousand nine hundred and twenty-six made between the Right Honourable John Thomas Baron Manners John Digby Mills the Right Honourable Charles

John Earl of Egmont and the Right Honourable Sidney James Earl of Normanton of the first part Mary Frances Mills of the second part the said parties thereto of the first part and the Honourable Francis Henry Manners and Keith Gladstone of the third part assigned unto the parties thereto of the third part for the remainder of the term granted by the lease the provisions of this section shall apply and have effect as if the expression "the owners" included the assignees of the said lease the survivors or survivor of them or the executors or administrators of such survivor their or his assigns.

Power to acquire lands.

18. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the depcsited book of reference as may be required for the new waterworks.

Period for compulsory purchase of lands.

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

Compensation in case of recent improvements &c.

20. In settling any question of disputed purchase money or compensation payable under this Act by the Company the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and twenty-five if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

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

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

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Costs of arbitration &c. in certain cases.

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

Provided that it shall be lawful for 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.

Private rights of way over lands taken compulsorily.

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

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Acquisition of lands by agreement.

24. In addition to any lands which the Company are by any other provisions of the West Hampshire Water Acts and Order 1893 to 1926 authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement in over or under any such lands or otherwise but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty-five acres Provided that the Company shall not create or permit any nuisance on any such land nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Persons under disability may grant easements &c.

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

Power to acquire easements in lieu of lands.

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

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

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

Discharge of water into streams.

27.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other works of the Company the Company may cause the water in any such reservoir well conduit or line of pipes or other works to be discharged into any available stream or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of the Southern Railway Company.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

28. The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for the taking and intercepting of water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

ADDITIONAL CAPITAL &C.

Additional capital.

29. The Company may from time to time raise additional capital to such amount as shall be sufficient to produce after taking into account the premiums or

discounts (if any) which may be obtained or allowed respectively on the issue or re-issue thereof an amount 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 any one or more of those modes respectively.

Limit of profit on additional capital.

30. The Company shall not in any one year pay out of their profits any larger dividend on any additional capital raised under the powers of this Act than seven pounds in respect of every one hundred pounds of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds of such capital as shall be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend in respect of such capital as shall be issued as ordinary capital which shall have fallen short of the said sum of seven pounds per centum per annum.

New shares or stock to be subject to same incidents as other shares or stock.

31. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Company.

32. The capital in new shares or stock so created shall form part of the capital of the Company.

Restriction as to votes in respect of preference shares or stock.

33. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

34. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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As to dividends on different classes of ordinary capital.

35. The holders of the different classes of ordinary shares or stock in the capital of the Company shall be entitled to receive dividends on the amount for the time being paid up or deemed to have been paid up thereon pari passu up to and until the prescribed maximum rates of dividend on each class of such shares or stock have respectively been reached.

As to dividends on different classes of preference capital.

36.—(1) The holders of preference shares or stock in the capital of the Company to which different rates of dividend have been or shall be assigned shall be entitled in each year to receive dividends on the amount for the time being paid up or deemed to have been paid up thereon pari passu up to and until the respective rates of dividend assigned to such shares or stock have respectively been reached.

(2) The day prescribed for the purposes of section 14 of the Companies Clauses Act 1863 shall be the thirtieth day of June.

New shares or stock to be sold by auction or tender.

37. All ordinary or preference shares or stock created under the powers of this Act shall be issued in accordance with the provisions of section 5 (Shares or stock to be sold by auction or tender) of the Order of 1919 Provided that the said section shall have effect as if the words "seven days" were inserted in subsection (2) (*a*) of that section instead of the words "twenty-eight days."

Power to borrow.

38. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the moneys which at the time of borrowing have been raised by the creation and issue of shares or stock under the powers of the section of this Act of which the marginal note is "Additional capital" but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the shares or stock at the time issued together with any premiums (if any) realised on the sale thereof have been fully paid up.

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Borrowing powers in respect of existing capital.

39. The Company may from time to time subject to the provisions of this Act in respect of the capital raised under the West Hampshire Water Acts and Order 1893 to 1919 borrow on mortgage of the undertaking without the certificate of a justice of the peace any sum or sums not exceeding in the whole the sum of fifty thousand pounds.

Power to create debenture stock.

40. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 28 (Power to create debenture stock) of the Act of 1902 Notice of the effect of the said section 28 shall be endorsed on all mortgages and certificates of debenture stock.

Priority of money raised on mortgage or debenture stock over other claims.

41. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works of the Company or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Appointment of receiver.

42. Section 27 (For appointment of receiver) of the Act of 1902 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment

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of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Issue of redeemable preference capital and debenture stock.

43.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock (all of which are in this section referred to as "stock") which the Company are authorised by the West Hampshire Water Acts and Order 1893 to 1926 or any of them to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(*a*) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and

(*b*) Redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) The Company may for the purpose of providing money for paying off the stock create and issue (subject as regards preference stock to the provisions of the section of this Act the marginal note whereof is "New shares or stock to be sold by auction or tender") or for the purpose of providing substituted stock in exchange either for stock issued under the powers of this section or for redeemable preference shares or debenture stock issued under the Consent of 1921 or the Consent of 1923 create and issue (freed from the said provisions) new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid Provided that the creation and re-issue for those purposes of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(4) The Company shall not redeem out of revenue any redeemable preference shares or stock or debenture stock created as aforesaid. A.D. 1926.

As to shares created and issued under section 40 of Act of 1902.

44. For the removal of doubts it is hereby declared that a dividend of five per centum per annum having been declared on the other ordinary shares of the Company the holders of the three hundred fully paid up shares in the capital of the Company created and issued pursuant to the provisions of section 40 (Issue of shares in respect of costs incurred by or on behalf of Barton Water Company) of the Act of 1902 shall be entitled to dividends in all respects as if the said shares were ordinary shares created and issued as part of the additional capital of the Company authorised by section 14 (Power to Company to raise additional capital) of the Act of 1902 Provided that nothing in this section shall entitle the holders of such shares to participate in the profits of the Company in respect of the period prior to the date upon which a dividend of five per centum per annum was first declared to an extent exceeding the limited rate of dividend prescribed by the said section 40 of the Act of 1902.

Cancellation of certain debenture stock.

45. Upon repayment by the Company to Lloyds Bank Limited of a sum of three thousand one hundred and twenty-five pounds advanced by the said bank to the Company the amount of three thousand one hundred and twenty-five pounds four per centum debenture stock created by the Company under the Act of 1893 and issued to the said bank as security for the said advance shall be cancelled and it shall be lawful for the Company again to borrow the amount so repaid.

Receipt in case of persons not sui juris.

46. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

47. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act (after deducting therefrom the expenses of and incident to such issue) shall not be considered as part of the capital of the

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Company entitled to dividend Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purpose be reckoned as part of the paid up capital.

Application of existing capital.

48. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

SUPPLY OF WATER &C.

Amendment of section 35 of Waterworks Clauses Act 1847.

49. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if one-tenth part of the expenses of providing and laying down pipes mentioned in that section were one-seventh part of such expense.

Meters &c. to measure water or detect waste.

50. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus Provided that the Company shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Maintenance of common pipe.

51. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

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Injuring meters.

52.—(1) Every person who wifully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to Company to repair communication pipes.

53. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company

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are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Company to connect communication pipes with mains.

54. Notwithstanding anything in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Opening of ground by persons liable to maintain pipes &c.

55.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to

open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made. A.D. 1926.

Penalty for closing valves and apparatus.

56. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Water rates to be paid half yearly.

57. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained the Company shall be entitled to demand payment of water rates in advance by equal half-yearly payments on the first day of January and the first day of July in each year Provided that no person shall be compellable to pay water rates so demanded for any longer period in advance than three months.

Amendment of section 35 of Act of 1902.

58. Section 35 (Water rate for inns hotels &c.) of the Act of 1902 shall be read and have effect as if the words "restaurants refreshment houses" were therein inserted after the word "hotels."

Rate for supply of water by meter.

59. Section 36 (Rate for supply of water by meter) of the Act of 1902 shall be read and have effect as if the words "Two shillings for every thousand gallons of the "first fifty thousand gallons and one shilling and sixpence "for every thousand gallons thereafter" were inserted therein instead of the words "One shilling and sixpence for every thousand gallons" Provided that nothing in this section shall prejudice or affect the powers conferred upon the Company by the West Hampshire Water Company (Modification of Charges) Order 1922.

Charges for hose pipes.

60. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose pipe or other similar apparatus is used charge such

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additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Any sums charged under this section shall be recoverable in the same manner as water rates.

Special terms for supplies to caravans shacks and huts.

61.—(1) Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Guarantees by district councils.

62.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a

purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section. A.D. 1926.

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under Parliamentary authority without the consent of such other authority.

MISCELLANEOUS.

Meetings of Company.

63. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Notices of meetings.

64. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder or stockholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder or stockholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office as a prepaid letter not later than the time hereby prescribed.

Interim dividends and annual accounts.

65. If and so long as the ordinary meetings of the Company shall be held once only in each year :—

(*a*) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend

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out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one half of the amount of the maximum dividend on the ordinary capital or one half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared;

(*b*) The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Closing of transfer books.

66.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

Directors may determine remuneration of secretary and auditors.

67. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 or the Companies Clauses Act 1863 or any Act amending the same they may from time to time determine the remuneration of the secretary and auditors of the Company.

As to register of shareholders &c.

68. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company to authenticate by the affixing of their common seal or otherwise the register of shareholders or stockholders.

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As to appointment of proxies.

69. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

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

Authentication and service of notices &c.

71. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge

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be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Several sums in one summons.

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

Liability to water rate not to disqualify justices.

73. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order for the time being relating to the Company by reason of his being liable to any water rate.

Penalties not cumulative.

74. Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Recovery of penalties &c.

75. Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

76. Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

As to section 19 of Salmon and Freshwater Fisheries Act 1923.

77. Nothing in this Act contained shall be deemed to exempt the new waterworks from the provisions of section 19 (Penalty for making obstructions without fish passes) of the Salmon and Freshwater Fisheries Act 1923.

Crown rights.

78. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any

portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. A.D. 1926.

Repeal &c.

79.—(1) The following provisions of the undermentioned Acts and Order are hereby repealed (that is to say) :—

The Act of 1893—

Section 11 (Power to borrow);

Section 30 (For protection of owners of Knapp Mill and fishery);

Section 31 (For protection of London and South Western Railway Company);

Section 49 (Fraudulently injuring pipes meters or fittings);

Section 65 (Application of penalties).

The Act of 1902—

Section 14 (Power to Company to raise additional capital) so far as the same imposes a limitation on the amount of the preference capital which may be created or raised under the provisions of that section;

Section 18 (As to dividends on different classes of shares or stock);

Section 25 (Power to borrow in respect of additional capital).

The Act of 1913—

Section 5 (Power to borrow in respect of unissued capital authorised by Act of 1893);

Section 6 (Power to borrow under Act of 1902 not diminished).

The Order of 1919—

Subsection (3) of section 4 (Dividend on preference capital).

A.D. 1926.

(2) The Consent of 1921 and the Consent of 1923 are hereby annulled.

Costs of Act.

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

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