CHAPTER 1.

An Act for extending the Limits of Supply of Water of the Woking Water and Gas Company and for authorising that Company to raise further Moneys and for other purposes. [25th June 1885.]

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WHEREAS by the Woking Water and Gas Act 1881 (herein called "the Act of 1881") the Woking Water and Gas Company (herein called "the Company") were incorporated and were authorised amongst other things to make and maintain waterworks and to supply water in divers parishes and places in the county of Surrey:

And whereas it is expedient that the limits within which the Company are by the Act of 1881 authorised to supply water should be extended so as to include the several places in that behalf mentioned in this Act:

And whereas the capital of the Company as authorised by the Act of 1881 is fifty thousand pounds divided into five thousand shares of ten pounds each and the subscribed capital of the Company is twenty-one thousand seven hundred and eighty pounds represented by two thousand one hundred and seventy-eight shares of ten pounds each on which ten pounds per share has been paid up and of the capital so subscribed and paid up twenty thousand two hundred and eighty pounds has been expended in the construction of works and laying of mains for the supply of water and the balance or sum of one thousand five hundred pounds has been expended in the acquisition of a site for gasworks and otherwise in respect of the gas undertaking of the Company:

And whereas the Company have not borrowed any moneys on mortgage nor created or issued any debenture stock:

And whereas it is expedient that the Company should be authorised to raise further money for the purposes of their water undertaking in manner hereinafter provided:

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And whereas it is expedient that the Company should be authorised to enter into contracts for the sale of water in bulk:

And whereas it is also expedient that the Act of 1881 should be in some respects amended and that the further powers hereinafter contained should be granted to the Company:

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

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

Short title.

1. This Act may be cited as the Woking Water and Gas Act 1885.

Acts to be read as one Act.

2. This Act and the Act of 1881 as altered and amended by this Act shall be read and construed as one Act and the same may be cited together as the Woking Water and Gas Acts 1881 and 1885.

Incorporation of general Acts.

3. The clauses and provisions following of the Companies Clauses Consolidation Act 1845 (that is to say) with respect to—

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;

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

The conversion of the borrowed money into capital

The consolidation of shares into stock;

The making of dividends;

The provision to be made for affording access to the special Act;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

4. In and for the purposes of 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.

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Extension of limits of water supply.

5. The limits of the Company for the supply of water are hereby extended so as to include so much of the parish of Stoke in the county of Surrey as is not comprised within the existing municipal boundary of the borough of Guildford with the exception of that portion of the said parish of Stoke which is described in the schedule to this Act and the Company may within those extended limits exercise all such rights powers and privileges as by the Act of 1881 the Company are authorised to exercise within their limits for the supply of water under that Act and may demand take agree and recover the same rates rents charges and remuneration for the supply of water and for water closets and baths and for the supply of water for other than domestic purposes as by the Act of 1881 they are authorised to demand take agree and recover for the supply of water within their limits of water supply as defined by that Act.

Sanitary authority to sell and Company to acquire mains &c. within extended limits.

6. The Guildford urban sanitary authority shall sell and the Company shall purchase such of the mains pipes fittings or other apparatus for or connected with the distribution of water belonging to the Guildford urban sanitary authority (which at the date of the passing of this Act shall be laid and lie within the limits of the Company for the supply of water as extended by this Act) as shall not be required by the Guildford urban sanitary authority for supplying with water any part of the district now supplied by such authority not being within the limits of the Company for the supply of water as extended by this Act for such price or consideration as shall be mutually agreed upon or as failing agreement shall be settled by arbitration in manner provided by the Public Health Act 1875 which for the purposes of such arbitration shall be deemed to be incorporated with this Act Such purchase shall be completed on or take effect as of the twenty-ninth day of September one thousand eight hundred and eighty-five All moneys received by the Guildford urban sanitary authority in respect of purchase-money under this section shall be applicable only to the purposes connected with their water undertaking to which capital is properly applicable.

Supply of water in bulk.

7. The Company may from time to time enter into and carry into effect contracts and arrangements with any corporation urban or rural sanitary authority or other local authority and any railway company and any other companies bodies or persons jointly or severally with respect to the supply of water in bulk within and beyond the Company's limits of supply as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the parties thereto think fit and the Company and any such corporation authority company body or person as aforesaid may by agreement vary

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or suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto.

Domestic supply not to be interfered with.

8. Notwithstanding anything in this Act contained the Company shall not supply to any corporation authority company body or person water in bulk or otherwise for use or consumption within the authorised limits of supply of the corporation of Guildford or within the limits of supply of any other company incorporated by Act of Parliament without the consent in writing of such corporation or such other company and then only upon such terms as shall be in such consent expressed Neither shall the Company afford any such supply within or beyond their limits if and so long as in either case the affording such supply would prevent the Company from giving a proper supply for domestic purposes within their limits.

Certain provisions of 10 Vict. c. 17. to extend to roads, &c.

9. The clauses and provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of the Act of 1881 for the protection of Surrey county bridges extend and apply to the opening and breaking up by the Company of any turnpike roads public highways or footpaths or any public bridges within the limits of this Act and also to the laying down and placing of pipes conduits and other works in under and along the said roads highways footways and bridges respectively.

Power for Company to raise additional money by creation of shares or stock.

10. In addition to the capital which the Company are by the Act of 1881 authorised to raise they may from time to time raise for the purposes of this Act and for the general purposes of their water undertaking by the creation and issue of shares or stock such capital as they shall think necessary not exceeding fifty thousand pounds and the Company may create and issue any such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit Provided that not more than one-half of such capital of fifty thousand pounds shall be raised by preferential shares or stock.

Shares not to be issued until one-fifth part paid in respect thereof.

11. The Company shall not issue any share created under the authority of this Act of a less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Incidents of new shares or stock.

12. Subject to the provisions of this Act 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 and the new shares or stock were shares or stock in that capital and the capital in new shares or stock so created shall form part of the capital of the Company.

Dividends o new shares or stock.

13. Every person who becomes entitled to a share or any stock created by the Company under this Act shall in respect of the same be a holder of shares or stock of the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description or bearing the same rate of dividend proportioned to the amount from time to time called up and paid on such new shares or to the whole amount of such shares or stock as the case may be.

Profits of Company limited.

14. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such additional capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up on such capital as may be issued as preference capital.

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

15. 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.

Power to borrow.

16. In addition to the sum of twelve thousand five hundred pounds which the Company are authorised to borrow by the Act of 1881 they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of fifty thousand pounds by this Act authorised to be raised any further sum or sums not exceeding in the whole twelve thousand five hundred pounds and of the aggregate sum of twenty-five thousand pounds by the Act of 1881 and this Act authorised to be borrowed they may borrow in respect of each sum of ten thousand pounds part of the aggregate capital of one hundred thousand pounds of the Company the sum of two thousand five hundred pounds but no part of any such sum of two thousand five hundred pounds as aforesaid shall be borrowed until shares for such portion or sum of ten thousand pounds of capital in respect of which borrowing powers are to be exercised as is to be raised by means of shares have been issued and accepted and one-half of such portion of capital has been paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one-half of such

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portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one-half of such portion of capital as is to be raised by means of stock has been fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the same portion of capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Debenture stock.

17. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under the Act of 1881 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys raised under this Act.

18. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes only of this Act or of the Act of 1881 being in all cases purposes to which capital is properly applicable.

Provision for sale of portion of undertaking in event of extension of boundaries of borough of Guildford.

19. If at any time after the passing of this Act the municipal boundaries of the borough of Guildford shall be extended so as to include that portion of the parish of Stoke which lies between the now existing parliamentary and municipal boundaries of that borough (such portion being hereinafter referred to as "the urban portion of the said parish") and if the Guildford urban sanitary authority (hereinafter referred to as "the urban authority") shall within one year after such extension give to the Company not less than six months' previous notice in writing to expire on Christmas Day Lady Day Midsummer Day or Michaelmas Day of their desire to purchase such portion of the water undertaking of the Company except the lands wells streams adits waters waterworks mains hydrants pipes or other apparatus if any which shall be necessary for

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supplying with water any other part of the limits of supply of the Company as shall be included within the urban portion of the said parish then the Company shall sell and the urban authority shall purchase as of the date of the expiry of the said notice and on the terms hereinafter mentioned so much of the undertaking of the Company together with all mains pipes and accessories (except as aforesaid) as shall be included in the urban portion of the said parish. The consideration to be paid on such purchase by the urban authority shall be the sum which shall have been paid by the Company to the urban authority for the mains pipes and accessories within the urban portion of the said parish as shall have been sold to the Company by the urban authority and also the fair value of any additional mains hydrants pipes apparatus and accessories which shall have been laid or provided by the Company within the urban portion of the said parish and a further sum calculated at eighteen years purchase or equal to eighteen times the amount of any excess or increase that there may be in the aggregate amount of the sums paid and to be paid in respect of water supplied in the urban portion of the said parish during the twelve months next preceding the purchase by the urban authority over the aggregate amount of the sums paid and to be paid in respect of water supplied in the urban portion of the said parish during the twelve months next preceding the passing of this Act. If any difference shall arise in ascertaining the consideration payable by the urban authority to the Company in respect of such purchase as aforesaid or in carrying into effect the provisions of this section the same shall be settled by arbitration in accordance with the provisions with respect to the settlement of questions of disputed compensation of the Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 and for the purposes of such arbitration the said provisions shall be deemed to be incorporated with this Act and in the construction of the said provisions the expressions "promoters of the undertaking" and "lands" shall be construed to mean respectively the urban authority and the saleable portion of the undertaking of the Company Provided always that after the completion of such purchase all obligations on the part of the Company to supply water within the urban portion of the said parish shall cease and determine and the Company may cut off the connexions between their mains and pipes and the portion of the undertaking purchased by the urban authority and the Company shall apply the proceeds of any sale under this section as capital moneys for the purposes of their water undertaking.

Urban authority may borrow

20. The purchase by the urban authority hereinbefore authorised shall be deemed a purpose of the Public Health Act 1875 and the

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for purposes of purchase under this Act.

said urban authority making such purchase may under and according to the provisions of the Public Health Act 1875 borrow such sums of money and may levy such rates as shall be necessary for that purpose.

Expenses of Act.

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

The SCHEDULE hereinbefore referred to.

That portion of the parish of Stoke which is bounded on the north by an imaginary line to be drawn from the centre of the Stoke Road to the River Wey and running fifty feet south of Joseph's Lane so far as such lane extends and then fifty feet south of Woodbridge Road from the junction of Joseph's Lane with such road up to the river on the south by the municipal boundary of the borough on the east by the centre of the Stoke Road and on the west by the River Wey.

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