



## CHAPTER ccxlii.

An Act for incorporating and conferring powers on the Cromer Water Company and to empower the Cromer Urban District Council to acquire the undertaking of that Company and for other purposes. A.D. 1901.

[9th August 1901.]

**W**HEREAS in the year one thousand eight hundred and seventy-five certain persons formed themselves into a company under the name of the Cromer Waterworks Company Limited (in this Act referred to as "the limited company") for the purpose (amongst other things) of supplying the town of Cromer in the county of Norfolk and the neighbourhood thereof with water and such company was duly registered under the Companies Act 1862:

And whereas by the Cromer Water Order 1882 (confirmed by the Water Orders Confirmation Act 1882) the limited company were empowered to maintain and continue the waterworks therein described and to supply water within the parishes of Cromer Overstrand Northrepps and Runton all in the county of Norfolk: 45 & 46  
Vict. c. c.

And whereas the share capital of the limited company authorised by the Order of 1882 consists of—

(A) Ten thousand pounds divided into two thousand shares of five pounds each in this Act referred to as "old A shares" entitled under the Order of 1882 to a maximum dividend of ten per centum per annum the whole of which capital has been subscribed and fully paid up;

(B) Ten thousand pounds divided into two thousand shares of five pounds each in this Act referred to as "old B shares" entitled under the Order of 1882 to a maximum dividend of seven per centum per annum the whole of which capital has been subscribed and fully paid up;

and the limited company have borrowed on mortgage of the undertaking or by the issue of debenture stock the sum of five thousand pounds:

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And whereas the demand for water within the limited company's limits of supply has increased and is increasing and it is expedient that additional works be constructed and the existing works be extended and improved and that additional capital be provided for the purposes of the undertaking :

And whereas it is expedient to extend the said limits of supply to include the parishes named in this Act in the neighbourhood of the works authorised by this Act :

And whereas it is expedient that the limited company be dissolved and re-incorporated with further powers :

And whereas it is expedient that provision be made for enabling the Cromer Urban District Council (in this Act referred to as "the council") to acquire the undertaking of the Company and that upon such acquisition the council should have the powers of the Company except as hereinafter provided and such other powers as in this Act mentioned :

And whereas an estimate has been prepared by the council showing that (in addition to the moneys which will be required for effecting the transfer of the undertaking and enabling the council to give effect to the provisions of this Act in relation thereto) the council may require to borrow for the purpose of purchase of lands and construction of works by this Act authorised and new mains in connection therewith and for additions and alterations of the water-works (being permanent works within the meaning of section 234 of the Public Health Act 1875) further sums for the undertaking amounting to seventy-eight thousand pounds :

And whereas the owners and ratepayers of the urban district of Cromer by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and the lands required or which may be taken for the purposes or under the powers of this Act 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 such lands were duly deposited with the clerk of the peace for the county of Norfolk and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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## PRELIMINARY.

1. This Act may be cited as the Cromer Water Act 1901.

Short title.

2.—(1) The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely:—

Incorporation of Acts.

(A) The Companies Clauses Acts 1845 to 1889 (except the provisions with respect to the conversion of borrowed money into capital and except Part IV. of the Companies Clauses Act 1863);

(B) The Lands Clauses Acts;

(C) 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 provisions of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act shall apply as well to the pipes and works of the Company laid down or constructed before the passing of this Act as to any pipes or works which may be laid down or constructed under the authority of this Act.

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 unless the context otherwise requires—

Interpretation.

"The Company" means the company incorporated by this Act;

"The undertaking" means the undertaking of the Company;

"The Order of 1882" means the Cromer Water Order 1882;

"The council" means the Cromer Urban District Council;

"The district" means the urban district of Cromer;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district;

"The undertaking of the Company" includes all the waterworks mains lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking to the council under the provisions of this Act except any moneys (not being unexpended

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capital) lying to the credit of the Company at their bankers or in hand or owing to the Company at the date of the transfer and except the reserve fund of the Company and except the books and papers relating exclusively to the shareholders in or the members or constitution of the Company;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture-stock stock or other security (not being annuities rents charges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the council.

Limits of Act.

4. The limits of this Act shall be the parishes of Cromer Aylmerton Bessingham East Beckham Felbrigg Gresham Hanworth Metton Northrepps Overstrand Roughton Runton Sidestrand Southrepps Sustead Thorpe Market Thurgarton Trimingham and West Beckham all in the county of Norfolk.

Power to local authority &amp;c. to supply water in case Company fail to supply.

5.—(1) If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any of the parishes of Aylmerton Bessingham East Beckham Felbrigg Gresham Hanworth Metton Roughton Sidestrand Southrepps Sustead Thorpe Market Thurgarton Trimingham and West Beckham the local authority for the district comprising each or any of such parishes may provide a supply in the whole or any part of such parishes in accordance with the provisions of the Public Health Acts or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such parish not sufficiently supplied by the Company as if in either case this Act had not passed.

(2) 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 such parish such difference shall be settled on the application of either party by the Board of Trade.

## RE-INCORPORATION OF COMPANY.

Re-incorporation of Company.

6. From and after the passing of this Act the limited company shall be dissolved and the several persons who immediately before

the passing of this Act were members of that company and all other persons who have suscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated by the name of "The Cromer Water Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act or of their undertaking.

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7. The Company shall be established for the purposes of constructing and maintaining waterworks obtaining storing and supplying water carrying on within the limits of this Act the business usually carried on by water companies and generally carrying the powers of this Act into execution.

General purposes of Company.

8. Subject to the provisions of this Act all the lands waterworks erections buildings interests rights and easements and other the undertaking which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all mains pipes plant meters apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the limited company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Present property of limited company vested in Company.

9. Subject to the provisions of this Act the memorandum and articles of association of the limited company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the limited company and the members thereof as such but nothing in

Memorandum and articles of association of limited company to be void without prejudice to

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remedies for  
antecedent  
breaches  
thereof.

this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act and such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing  
to affect  
previous  
rights and  
liabilities.

10. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other provisions of this Act.

Contracts  
prior to Act  
to be bind-  
ing.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of the limited company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or the trustees or persons acting on behalf of the limited company the Company had been a party thereto.

Actions &c.  
not to abate.

12. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company

or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

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**13.** Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Trustees of limited company to be indemnified.

**14.** From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Company to satisfy liabilities of limited company.

**15.** All water rates rents and sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

Recovery of water rates &amp;c.

**16.** All persons who immediately before the passing of this Act owed any money to the limited company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall

As to payment of debts owing before passing of Act.

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be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates  
&c. to re-  
main in  
force.

17. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c.  
continued  
evidence.

18. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers to  
continue un-  
til removed.

19. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present  
registers of  
members to  
be con-  
tinued.

20. The books kept by the limited company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

#### CAPITAL.

Capital.

21. The capital of the Company shall be ninety-nine thousand pounds whereof twenty thousand pounds is in this Act called the original capital and seventy-nine thousand pounds is in this Act called the additional capital and shall be raised in manner hereinafter mentioned and the original capital shall (except as hereinafter provided with respect to half shares) be divided into one thousand A shares of ten pounds each and one thousand B shares of ten pounds each and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.



**22.**—(1) If at the time of the passing of this Act a single old share is held separately or an odd old share would remain after appropriating to any member of the limited company a ten pounds share for every two old shares held by such member there shall be created such a number of ordinary shares (of each class A and B) to be called “half shares” of five pounds each in the original capital as shall be necessary in order to appropriate in respect of every such single or odd old share one such half share as aforesaid.

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Creation of  
half shares  
for certain  
purposes.

(2) Every two such half shares of the same class shall be deemed to represent and be in lieu of one ordinary share of ten pounds.

(3) Such half shares shall in the case of each class be numbered in arithmetical progression beginning with number one and every such half share shall be distinguished by its appropriate number and after the consolidation as hereinafter mentioned of any half shares into shares of ten pounds each the last mentioned shares shall be numbered in arithmetical progression next after the then existing shares of ten pounds each of the respective classes and shall thenceforth be distinguished by their appropriate numbers.

(4) In construing in connection with this Act the provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act and in construing this Act unless there be something in the subject or context repugnant to such construction the word “share” shall include “half share.”

**23.**—(1) The shares in the original capital shall be divided among and vested in the several persons who immediately before the passing of this Act were the registered members of the limited company in substitution for the existing shares of the limited company (that is to say):—

Vesting of  
old shares  
in present  
share-  
holders.

One A share for every two old A shares ;

One B share for every two old B shares ;

one half share being substituted in either of the foregoing cases for a single or odd old share.

(2) If at any time two half shares of the same class shall become vested in the same person such two half shares shall immediately thereupon become ipso facto consolidated into one share of ten pounds and shall thereafter be dealt with accordingly.

(3) Every share or half share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the shares or share for which the same is

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Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

24.—(1) The Company shall call in and cancel the existing certificates of shares in the limited company and issue free of charge in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845.

(2) No shareholder shall be entitled to a new certificate under this section until he shall have delivered up to the Company to be cancelled the share certificate for which the same is to be substituted or (where no such certificate has been issued) the letter of allotment and banker's receipt for the sums payable to the limited company in respect of the share or shares held by him or shall have proved to the reasonable satisfaction of the Company the loss thereof.

Power to Company to raise additional capital.

25. The Company may raise additional capital not exceeding in the whole seventy-nine thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such shares or stock vest in the person accepting the same unless and until the full price of such shares or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of seventy-nine thousand pounds and that not more than one half of such additional capital shall be raised by the issue of preference shares or stock.

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

26. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price

put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner. And provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any such holder of shares or stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder of shares or stock may be accepted in preference and preference may in like manner be given to any employee of the Company or any consumer of water supplied by the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

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27. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money to be paid within three months.

28. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerks to the district councils for the districts comprising any part of the limits of this Act and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of this Act.

Notice to be given as to sale of shares or stock.

29. When any shares or stock created under the powers of this Act have or has been offered for sale by auction or tender and not sold the same may be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water supplied by the Company or partly to one and partly to another or others. Provided always that any shares or stock so offered and not accepted in the case of shares or stock offered to the holders of ordinary shares or stock within the time prescribed by the said Act or in the case of shares or stock offered to such employees or consumers within the time limited by the directors of the Company may again be offered

Shares or stock not sold to be offered to shareholders employees or consumers.

A.D. 1901. for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and the reserved price put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold may be again offered to the holders of ordinary shares or stock or to such employees or consumers at the last mentioned reserved price and so from time to time until the whole of such shares or stock are or is sold.

Application of premium arising on issue of shares or stock.

**30.** Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up capital of the Company for the purpose of determining the amount which the Company may borrow under this Act and the amount which the Company may invest to form a reserve fund.

Power to borrow.

**31.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums which together with the sum of five thousand pounds borrowed by the limited company shall not exceed in the whole one-third part of the amount of the capital of the Company at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock forming part of the additional capital at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premium (if any) have been issued and fully paid up 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.

Priority of existing mortgages.

**32.** All mortgages granted by the limited company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the terms thereof have priority over all mortgages granted by virtue of this Act.

**33.** 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. In order to authorise the appointment 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 five hundred pounds in the whole.

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For appoint-  
ment of a  
receiver.

**34.** 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 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 are authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be stated in all mortgages and certificates of debenture stock.

Debenture  
stock.

**35.** All money raised or 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. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted 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 their undertaking or injuriously affected by the exercise of any powers conferred on the Company.

Priority of  
mortgages  
over other  
debts.

**36.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application  
of moneys.

#### LIMITATION OF PROFITS.

**37.** The profits of the Company to be divided among the shareholders in any year shall not exceed the following rates (that is to say) :—

Profits of  
Company  
limited.

On so much of the original capital as consists of A shares the rate of ten pounds in respect of every one hundred pounds ;

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On so much of the original capital as consists of B shares the rate of seven pounds in respect of every one hundred pounds ;  
 On so much of the additional capital as shall be issued as ordinary capital the rate of seven pounds in respect of every one hundred pounds actually paid up ;  
 On so much of the additional capital as shall be issued as preference capital the rate of six pounds in respect of every one hundred pounds actually paid up ;  
 unless a larger dividend be at any time necessary to make up the deficiency in any dividend declared either by the limited company since the confirmation of the Order of 1882 or by the Company which shall have fallen short of the maximum dividend authorised by the Order of 1882 or by this Act (as the case may be).

## MEETINGS DIRECTORS &amp;C.

Ordinary meetings.

**38.** The first ordinary meeting of the Company shall be held within nine months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held once in every year in the month of February or March or at such other time as shall be appointed for that purpose by an order of a general meeting.

Quorum for meetings of Company.

**39.** The quorum of all general meetings of the Company shall be seven shareholders present in person or by proxy holding not less in the aggregate than two thousand pounds in the ordinary capital of the Company.

Scale of voting.

**40.—(1)** Every shareholder in the Company shall be entitled to one vote for every share up to ten.

(2) Every holder of A shares shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred and an additional vote for every ten shares held by him beyond the first hundred shares.

(3) Every holder of B shares and of shares in the additional capital shall have an additional vote for every seven shares beyond the first ten shares held by him up to ninety-eight and an additional vote for every fourteen shares held by him beyond the first ninety-eight shares.

(4) In the event of any of the original or additional capital being converted into stock every holder of such stock shall be entitled to one vote for every ten pounds of stock held by him up to one hundred pounds and to an additional vote for every fifty pounds of stock beyond the first one hundred pounds of stock held by him up to one thousand pounds and to an additional vote for

every one hundred pounds of stock beyond the first thousand pounds held by him. A.D. 1901.

(5) No shareholder shall be entitled to vote in respect of any half share held by him.

**41.** The number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than seven nor less than three. Number of directors.

**42.—**(1) The qualification of a director shall be the possession in his own right of not less than one hundred and fifty pounds ordinary capital in the Company. Provided that until new ordinary capital is issued in pursuance of this Act or (if the council signify to the Company their desire to purchase the undertaking of the Company) until the dissolution of the Company the directors named in section 44 of this Act shall be deemed to be qualified for so long as they would have been qualified to be directors of the limited company if this Act had not been passed. Qualification of directors.

(2) No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract.

(3) If any of the directors shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind or shall neglect to attend a meeting of directors for three months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

(4) The continuing directors may act notwithstanding any vacancy in the number of directors.

**43.** The quorum of a meeting of directors shall be three. Quorum.

**44.** The directors of the limited company namely Henry Broadhurst Lewis Gilbert Burton James Lovelace Frederick William Rogers George Sandford Rust and Henry Rust and a person to be nominated by them or by the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. First directors.

**45.** At the first ordinary meeting held after the passing of this Act the shareholders present in person or by proxy may either Election of directors.

A.D. 1901. — continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of directors then vacant and the several persons elected at any such meeting being neither removed or disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the Companies Clauses Consolidation Act 1845.

Number and qualification of auditors.

**46.**—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting. Provided that if the Company think fit a firm of accountants may be appointed auditors.

(2) It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Receipt in case of person non sui juris.

**47.** If any money is payable to a shareholder 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.

Interim dividend.

**48.** The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Company. Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half-year one-half of the amount of the maximum dividend.

Closing of transfer books previously to declaring interim dividend.

**49.** The directors may close the register of transfers for a period not exceeding fourteen days previously to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Books to be balanced to thirty-first December.

**50.** The period to which the books of the Company shall be balanced shall be the thirty-first day of December in each year.



## WORKS AND LANDS.

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**51.** The Company may on the lands on which the same are situate maintain alter enlarge improve and extend the wells shafts or borings reservoirs conduits and works described in the Order of 1882 and any works constructed under the authority of that Order and all other the existing adits pipes pumps engines machinery tanks and waterworks of the limited company and may use and employ the same for the purpose of taking and storing water and may sell and supply water in accordance with the provisions of this Act within the limits of this Act.

Power to maintain existing waterworks and water supply.

**52.** Subject to the provisions of this Act the Company may wholly in the county of Norfolk and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Power to construct works.

Work No. 1 A pumping station with wells and other works and conveniences connected therewith to be situate in the parish of Metton in a field on the north eastern side of the road leading from Metton to Aylmerton and Gresham opposite to the junction of that road with the road leading to Sustead :

Work No. 2 A line of pipes or conduit to be situate in the parishes of Metton and Aylmerton commencing at Work No. 1 and terminating at Work No. 3 :

Work No. 3 A service reservoir and other works and conveniences connected therewith to be situate in the parish of Aylmerton on the north eastern side of the road leading from the Holt Road to Beacon Hill in the field numbered 161 on the  $\frac{1}{2500}$  Ordnance map (1887 edition) of the parish of Aylmerton :

Work No. 4 A line of pipes or conduit to be situate in the parishes of Aylmerton and Felbrigg commencing at Work No. 3 and terminating in the Holt Road at the boundary between the parishes of Felbrigg and Cromer :

Work No. 5 A line of pipes or conduit to be situate in the parish of Aylmerton commencing at Work No. 3 and terminating in Holgate Lane at the boundary between the parishes of Aylmerton and Runton.

**53.** In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate

Limits of deviation.

A.D. 1901. vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards or as regards Work No. 1 to any extent downwards. Provided that except for the purposes of crossing over a stream no part of the conduits constructed under the powers of this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to  
take lands  
and waters.

**54.** Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and they may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as will or may be intercepted by the works authorised by this Act or as may be found in on or under any of the lands for the time being belonging to the Company.

Power to  
make sub-  
sidiary  
works.

**55.** The Company in addition to their existing and the foregoing works may upon any lands for the time being belonging to them or in respect of which they have for the time being rights and easements make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers overflows waste-water channels gauges filter-beds reservoirs tanks banks walls bridges embankments approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either 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.

Period for  
compulsory  
purchase of  
lands.

**56.** The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for  
completion  
of works.

**57.** If the works authorised by this Act 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 thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are or is then completed. Provided that the Company may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

**58.** The Company in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of this Act and of their undertaking any lands not exceeding in the whole twenty acres Provided that the Company shall not create or permit the creation or continuance of any nuisance on any such lands nor erect or authorise or permit the erection thereon of any buildings except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

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Power to  
purchase  
additional  
lands by  
agreement.

**59.** 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.

Persons  
under dis-  
ability may  
grant ease-  
ments &c.

**60.**—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction  
on taking  
houses of  
labouring  
class.

(2) If the Company purchase or acquire any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

The expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except

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members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Reservation  
of water  
rights &c.  
on sale.

**61.** The Company on selling any lands acquired by them in connection with their undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to  
hold lands  
for protec-  
tion of  
works.

**62.** The Company may hold any lands acquired by them for the purposes of their undertaking which they may deem necessary for the purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Company shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to  
sell lands.

**63.** Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Company may sell lease and dispose of any lands vested in or acquired by them under this Act and not for the time being required for the purposes thereof.

Application  
of Water-  
works  
Clauses Act  
1847 to  
telephones.

**64.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to erect or lay down for the purposes of their undertaking Provided that no telephonic or telegraphic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

**65.** The Company may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities postal or otherwise in any rural district in connection with the works authorised by this Act and any expense incurred by the Company under such undertaking may be defrayed out of any funds or revenue of the Company.

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Guarantee to  
Postmaster-  
General.

**66.** If the Company shall under the powers of this Act lay any pipes or mains under any road crossing the Midland and Great Northern or the Norfolk and Suffolk Joint Railways the works shall be executed in all respects to the reasonable satisfaction of the engineer for the time being of the Joint Committee affected or in case of any difference to the satisfaction of an engineer to be appointed by the Board of Trade on the application of the Company or of such Joint Committee.

For protec-  
tion of Mid-  
land and  
Great  
Northern  
and Norfolk  
and Suffolk  
Joint Com-  
mittees.

**67.** The following provisions for the protection of the Great Eastern Railway Company (in this section called "the railway company") shall unless otherwise agreed between the Company and the railway company apply and have effect (that is to say):—

For protec-  
tion of Great  
Eastern  
Railway  
Company.

- (1) In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works which the Company may be authorised to lay down and execute upon across over under or in any way affecting the railways lands or property now or hereafter belonging to the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable by the railway company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections to be submitted to and reasonably approved by him and in all things by and at the expense of the Company who shall also restore and make good the roads over any such bridges level crossings and approaches 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 such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and

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things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge level crossing or other property the Company shall make compensation in respect thereof to the railway company the amount of such compensation to be determined in case of difference by arbitration :

- (2) If within fourteen days after any plans and sections have been submitted to the principal engineer of the railway company in pursuance of this section such engineer does not give notice to the Company objecting thereto and specifying the grounds of his objection he shall be deemed to have approved thereof :
- (3) Any question as to the said plans and sections or as to the reasonableness of any objections or requirements of the said principal engineer or otherwise arising under this section shall be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers.

## SUPPLY OF WATER.

Limit of pressure.

**68.** The water supplied by the Company need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Rates for supply of water for domestic purposes.

**69.**—(1) The Company shall at the request of the owner or occupier of any dwelling house or part of a dwelling house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of ten shillings :

Where such rateable value exceeds five pounds and does not exceed ten pounds the sum of sixteen shillings :

Where such rateable value exceeds ten pounds and does not exceed fifteen pounds the sum of twenty-four shillings :

Where such rateable value exceeds fifteen pounds and does not exceed twenty pounds the sum of thirty-two shillings :

Where such rateable value exceeds twenty pounds and does not exceed twenty-five pounds the sum of thirty-nine shillings :

Where such rateable value exceeds twenty-five pounds and does not exceed thirty pounds the sum of forty-six shillings :

Where such rateable value exceeds thirty pounds and does not exceed thirty-five pounds the sum of fifty-three shillings :

Where such rateable value exceeds thirty-five pounds and does not exceed forty pounds the sum of sixty shillings :

Where such rateable value exceeds forty pounds and does not exceed forty-five pounds the sum of sixty-six shillings :

Where such rateable value exceeds forty-five pounds and does not exceed fifty pounds the sum of seventy-two shillings :

Where such rateable value exceeds fifty pounds and does not exceed fifty-five pounds the sum of seventy-eight shillings :

Where such rateable value exceeds fifty-five pounds and does not exceed sixty pounds the sum of eighty-four shillings :

Where such rateable value exceeds sixty pounds and does not exceed sixty-five pounds the sum of eighty-nine shillings :

Where such rateable value exceeds sixty-five pounds and does not exceed seventy pounds the sum of ninety-four shillings :

Where such rateable value exceeds seventy pounds and does not exceed seventy-five pounds the sum of ninety-nine shillings :

Where such rateable value exceeds seventy-five pounds and does not exceed eighty pounds the sum of one hundred and four shillings :

Where such rateable value exceeds eighty pounds and does not exceed eighty-five pounds the sum of one hundred and eight shillings :

Where such rateable value exceeds eighty-five pounds and does not exceed ninety pounds the sum of one hundred and twelve shillings :

Where such rateable value exceeds ninety pounds and does not exceed ninety-five pounds the sum of one hundred and sixteen shillings :

Where such rateable value exceeds ninety-five pounds and does not exceed one hundred pounds the sum of one hundred and twenty shillings :

Where such rateable value exceeds one hundred pounds at a rate per centum not exceeding six pounds.

(2) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the

A.D. 1901. apporportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for waterclosets and baths.

**70.** In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding ten shillings per annum and in respect of every fixed bath capable of containing not more than fifty gallons a sum not exceeding twelve shillings and six pence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Company not to be compelled to supply certain closets or baths.

**71.** The Company shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. Provided that the foregoing provisions shall not entitle the Company to cut off or discontinue the domestic supply of the house in which such water-closet or bath is situate.

Rate payable by owners of small houses.

**72.—(1)** The provisions of section 72 of the Waterworks Clauses Act 1847 shall extend to all dwelling-houses or parts of dwelling-houses occupied as separate tenements and let for any period less than a quarter of a year.

(2) In any case arising under that section or this section the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner but no greater sum shall be recovered at any one time from any occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Supply by meter in certain cases.

**73.—(1)** The Company shall not be bound to supply with water otherwise than by measure any building used partly as a dwelling-house and partly as a warehouse or for any trade or manufacturing purpose for which water is required or any workhouse hospital or other large public institution.

(2) Where the Company refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not



exceeding one shilling and sixpence for every thousand gallons and the moneys payable to the Company under this section shall be recoverable in the same manner as rates due to the Company for water. Provided that the Company shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure. A.D. 1901.

**74.** The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Company not bound to supply several houses by one pipe.

**75.** A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company. Notice of discontinuance of supply.

**76.—(1)** The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this Act referred to as “water-fittings”) to be used and forbid any arrangements and the use of any water-fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. Byelaws preventing waste &c. of water.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours’ notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water-fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

(4) The provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws made under this section and

A.D. 1901. — those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

(5) Until byelaws made in pursuance of this section shall come into operation the regulations made under section 16 of the Order of 1882 shall be deemed to be byelaws duly made and confirmed in pursuance of this section and any person who shall offend against any of the said regulations shall for every such offence be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for each day on which the offence is continued after conviction.

Supply of water for other than domestic purposes and by measure.

**77.** The Company may supply water for other than domestic purposes on such terms and conditions as the Company may think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Company to supply water to road and sewer authorities.

**78.** The Company shall when required supply the road authority within the meaning of section 2 of the Gas and Water Works Facilities Act 1870 and every sewer authority within the limits of this Act with water for watering roads and streets and for flushing sewers and drains or other public purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and such road or sewer authority or as in case of disagreement shall be settled by a court of summary jurisdiction but no such authority shall be entitled to such a supply whenever and so long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Act.

Power to sell or let meters.

**79.—**(1) The Company may sell meters and any water-fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

(2) The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water-fittings to any person supplied by them with water.

Notice to Company of connecting or

**80.** Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to

be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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disconnecting meters.

**81.** Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Company. Provided always that if the Company and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the cost of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of meters &c. to be evidence.

**82.—(1)** Every person who wilfully 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 penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

Injuring meters &c.

(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 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 ensuring the proper registering by such meter or 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.

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(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 primâ 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  
supply  
materials.

**83.** The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such water-fittings as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power to  
lay pipes in  
streets not  
dedicated to  
public use.

**84.** The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Contracts for  
supplying  
water in bulk.

**85.** The Company may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of this Act to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of the local authority and of any company or person supplying water under Parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

PURCHASE OF UNDERTAKING BY CROMER URBAN DISTRICT  
COUNCIL.

Company to  
sell their  
undertaking  
to council.

**86.**—(1) If the council shall within two years after the passing of this Act signify to the Company under their common seal their desire to purchase the undertaking of the Company the Company shall sell to the council and the council shall purchase

the undertaking of the Company for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the undertaking of the Company and for the purpose of determining such price or consideration the sale shall be deemed to be a sale by compulsion and not by agreement.

(2) The council shall pay the purchase money to the Company on such day as may be agreed between the council and the Company or failing agreement on the first day of April the first day of July the first day of October or the first day of January which shall first happen after the expiration of two months from the determination of the amount of the purchase money and upon such payment the undertaking of the Company with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the council free from all charges debts and liabilities upon or affecting the same other than the mortgage debt hereinafter mentioned and such transfer and vesting are in this Act referred to as "the transfer."

(3) In addition to the sum payable by the council to the Company under the foregoing provisions of this Act they shall pay to the Company the reasonable costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act or otherwise in relation thereto together with interest thereon at the rate of five per centum per annum from the payment thereof by the Company and shall also pay the reasonable costs and expenses of the winding up of the Company.

(4) The council shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the council in the same or similar offices or employments and at the salaries and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of this Act in respect of any loss of office or loss or diminution of salary or income by reason of the transfer of the undertaking of the Company to the council the amount of such compensation in default of agreement to be determined by arbitration and no such officer or servant shall lose his right to compensation as aforesaid by reason of his declining to enter into

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or continue in the service of the council. Provided that the manager of the Company shall not lose his right to compensation as aforesaid by reason of his holding or continuing to hold the office of clerk to the council. The term "officers and servants" is not to include the Company's auditor or engineer.

As to further capital expenditure.

**87.**—(1) The Company shall not prior to the first day of October one thousand nine hundred and one raise any capital which they are by this Act authorised to raise to a larger amount than five thousand pounds.

(2) The Company between the date of the service of the notice by the council of their desire to purchase and the date of the transfer shall not without the consent of the council raise any capital under the provisions of this Act except so far as may be necessary for defraying expenditure on capital account made in the ordinary course of the proper conduct of the affairs of the Company and except any capital contracted to be paid up prior to the date of the service of such notice.

Receipt for purchase money.

**88.** The receipt in writing of three directors of the Company for any money paid to them by the council shall effectually discharge the council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the council are unable to obtain such receipt from the Company they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the council by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the Company.

Council to take over mortgage debt of Company.

**89.** The council shall from the date of transfer take over the mortgage or debenture debt of the Company and shall relieve the Company from all liability for payment of the same and all interest accruing thereon from the date of transfer and the said mortgage or debenture debt shall after the date of transfer be charged on the revenue of the water undertaking of the council and upon the district fund and general district rate.

Company to pay outgoings and be entitled to receipts

**90.** The Company shall bear and pay all outgoings of every kind and shall be entitled to all receipts from their undertaking up to the date of the transfer and as from that date all outgoings shall be borne and paid by the council. Provided that nothing in this Act

contained shall entitle the Company to retain for their own benefit so much of any water rates or rents or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Company to the council.

A.D. 1901.  
—  
until  
transfer.

**91.** Between the date of the service of the notice by the council of their desire to purchase and the date of the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business but the Company shall not without the previous consent of the council under the hand of their clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Maintenance  
of under-  
taking by  
Company till  
transfer.

**92.** All debts and liabilities (other than the mortgage or debenture debt and other than liabilities in respect of sums payable by the council under the provisions of this Act) upon or affecting the undertaking or due from or payable by the Company which at the date of the transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the Company and the Company shall indemnify the council against the same and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not been passed.

Liabilities to  
be defrayed  
by Company.

**93.** Subject to the provisions of this Act all agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the council and may be enforced as fully and effectually as if instead of the Company the council had been a party thereto.

Contracts of  
Company to  
be binding  
on council.

**94.—(1)** The Company shall hold the purchase-money paid to them by the council under this Act and all other moneys belonging to the Company at the date of the transfer (other than their reserve fund) in trust to discharge pay or satisfy the debts and liabilities (other than the mortgage or debenture debt and other than liabilities in respect of sums payable by the council under the provisions

Application  
of purchase  
money pay-  
able to  
Company.

A.D. 1901.

of this Act) upon or affecting the undertaking of the Company or due from or payable by them and as to the residue thereof in trust to pay apply and distribute the same among the shareholders in the Company according to a scheme prepared and settled in pursuance of this section and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders in the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid.

(2) The directors of the Company shall prepare a scheme for the apportionment of the residue of the said purchase money and other moneys among the several classes of shareholders in the Company and shall submit the same to an extraordinary meeting of the Company of which not less than fourteen days' notice shall be delivered or sent by post to the address stated in the shareholders' address book to every shareholder and each such notice shall be accompanied by a copy of the scheme.

(3) If at such extraordinary meeting the scheme shall be approved by the proprietors present in person or by proxy holding at least three-fourths of the paid-up capital of the Company represented by the votes at such meeting it shall be deemed to be settled in pursuance of this section but if not so approved the scheme shall be settled by a person nominated as arbitrator for that purpose by the Board of Trade.

(4) In the preparation and settling of a scheme in pursuance of this section due regard shall be had to the respective interests of the classes of shareholders in the divisible profits of the undertaking and to their respective rights to increased dividends to make up the deficiency of any previous dividends which have fallen short of the maximum rate authorised by the Order of 1882 or by this Act.

(5) For the purposes of this section "a class of shareholders" shall include the holders of shares upon each of which the same maximum rate of dividend is payable and in respect of which the same amount may be paid to make up the deficiency of previous dividends.



(6) The reserve fund of the Company may be applied in compensating directors or in such other manner as the Company by resolution at a general meeting may decide and subject thereto shall be applied and distributed in the same manner as the residue of the said purchase money.

A.D. 1901.

**95.** Where the directors of the Company are for six months after the transfer unable after reasonable inquiry to ascertain the person to whom any part of the purchase-money for the Company's undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the County Court of Norfolk holden at Norwich under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Company and directors from all further liability with respect to the money so paid.

Payment into court by directors.

**96.**—(1) So soon as conveniently may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for discharging paying and satisfying the charges debts and liabilities (other than the mortgage or debenture debt) upon or affecting their undertaking or due from or payable by the Company at the time of the transfer and for distributing the purchase-money and winding up the affairs of the Company and when and so soon as such charges debts and liabilities (other than the mortgage or debenture debt) shall have been discharged paid and satisfied and such money shall have been distributed and the affairs of the Company wound up the Company shall be by virtue of this Act dissolved.

Winding up and dissolution of Company.

(2) If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

(3) After the date of transfer and until the dissolution of the Company they shall be entitled to access at all reasonable times to the books documents and accounts relating to the undertaking for all or any of the purposes of this section.

**97.** All books and documents which if the transfer had not been made would have been evidence in respect of any matter for

Books &amp;c. to remain evidence.

A.D. 1901. or against the Company shall be admitted in evidence in respect of the same or the like matter for or against the council.

Transfer of powers of Company.

98. From and after the transfer of the undertaking all the powers rights privileges and authorities of the Company under this Act shall be by virtue of this Act transferred to and vested in the council and this Act shall be read and have effect as if the council had been therein named instead of the Company subject nevertheless and according to the provisions of this Act and to the following exceptions and provisions namely:—

(A) The provisions of the Companies Clauses Consolidation Acts 1845 to 1889 incorporated with this Act shall not apply to the council:

(B) None of the provisions of this Act or of any Acts incorporated therewith in any manner relating to the share and loan capital of the Company or undertakers or to the balancing of the books or the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the council.

Power to borrow.

99.—(1) The council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For and incidental to the purchase of the undertaking of the Company including all sums of money for costs charges and expenses or otherwise payable to the Company by the council or any of their officers or servants under this Act and for defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the council (other than the costs of the council in relation to this Act) such sum as may be necessary;

(B) For the redemption of the mortgage or debenture debt of the Company the sum requisite for that purpose;

(C) For the purchase of land and construction of works by this Act authorised and new mains in connection therewith fifty-eight thousand pounds;

(D) For additions and alterations to the waterworks such sum or sums of money as the council may think requisite not exceeding twenty thousand pounds;

(E) For paying the taxed costs and expenses of the council referred to in the section of this part of this Act the marginal note whereof is "Costs of council" the sum requisite for that purpose:

And with the consent of the Local Government Board such further money as may be necessary for any of the purposes of this Act. A.D. 1901.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the council may mortgage or charge the revenue of the water undertaking and the district fund and general district rate or either of those securities.

**100.** The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health Act 1875 as to borrowing not to apply.

**101.** The council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debenture or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. Mode of raising money.

**102.** Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under the provisions of this Act. Provisions of Public Health Act as to mortgages to apply.

**103.** The council shall pay off all money borrowed by them under this Act and the mortgage or debenture debt of the Company within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):— Periods for repayment of money borrowed.

As to money borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of borrowing the same;

As to the mortgage or debenture debt of the Company or money borrowed for its redemption within fifty years from the date of transfer;

As to money borrowed for the purposes (C) mentioned in the said section within sixty years from the date or dates of borrowing the same;

As to money borrowed for the purpose (D) mentioned in the said section within forty years from the date or dates of borrowing the same;

A.D. 1901.

As to money borrowed for the purpose (E) mentioned in the said section within five years from the date or dates of borrowing the same ;

As to money borrowed with the consent of the Local Government Board within such period as that Board may sanction :

Provided that nothing contained in this Act shall empower the council to discharge the mortgage or debenture debt of the Company without the consent of the mortgagees or debenture holders except upon such terms and at such times (if any) as the Company could have discharged the same if this Act had not been passed.

Mode of  
payment off  
of money  
borrowed.

**104.** The council shall pay off all money borrowed by them on mortgage under the powers of this Act and the mortgage or debenture debt of the Company so far as such debt is not repaid by the council out of moneys borrowed under this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made or in the case of the said mortgage or debenture debt until the expiration of one year from the date of the transfer.

Sinking  
fund.

**105.**—(1) If the council determine to repay by means of a sinking fund any money borrowed by virtue of this Act or the mortgage or debenture debt of the Company such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the money for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called “a non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called “an accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in

respect of which the sinking fund is formed be immediately invested in statutory securities the council being at liberty to vary and transpose such investments. A.D. 1901.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the council towards the equal annual payments to the fund.

(4) The council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the council :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the council in addition to the payments provided for by this Act.

(7) If it appears to the council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed it shall be the duty of the council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the council shall increase the payments to such extent as the Board may direct.

(8) If the council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

A.D. 1901.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purpose or purposes as the council with the consent of the Local Government Board may determine.

Protection of  
lender from  
inquiry.

**106.** A person lending money to the council under this Act shall not be bound to inquire as to the observance by the council of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not  
to regard  
trusts.

**107.** The council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the council shall be sufficient discharge to the council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment  
of receiver.

**108.—(1)** Any mortgagee of the council by virtue of this Act may enforce the payment of arrears of interest or of principal or

of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole. A.D. 1901.

(2) The application for the appointment of a receiver shall be made to the High Court.

**109.** If the council pay off any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of money received on capital account not being borrowed moneys they may re-borrow the same but all money so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the money originally borrowed and the obligations of the council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. Power to re-borrow.

**110.**—(1) The clerk to the council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that board and if required by that board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return Return respecting sinking fund to Local Government Board.

A.D. 1901. shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application  
of revenue  
and defi-  
ciency of  
receipts.

III.—(1) The council shall apply all money received by them on account of revenue in respect of the undertaking transferred to and carried on by them in pursuance of this Act in manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking ;

Secondly In payment of the interest on the mortgage or debenture debt of the Company and on moneys borrowed by the council for paying off the said mortgage or debenture debt and for the purposes of the undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of the said mortgage or debenture debt and in respect of moneys borrowed by the council for paying off the said mortgage or debenture debt and for the purposes of the undertaking ;

Fourthly In extending and improving (if the council think fit) any works for the purposes of the undertaking ;

Fifthly In providing a reserve fund (if the council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the council upon the undertaking which fund shall be applicable to answer any



A.D. 1901.

deficiency at any time happening in the income of the council from the undertaking or to meet any extraordinary claim or demand at any time arising against the council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the council shall carry to the district fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the undertaking of the Council shall be forthwith made good out of the district fund or general district rate.

**112.** All money borrowed by the council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Application  
of money  
borrowed.

**113.** Any expenses of the execution by the council of this Act with respect to which no other provision is made may be defrayed by the council out of the district fund or general district rate.

Expenses of  
execution of  
Act.

**114.** The proceeds of the sale of any lands of the council under the powers of this Act shall be distinguished as capital in the accounts of the council and shall be applied in discharge of any moneys borrowed by the council under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such moneys shall not be reborrowed.

Proceeds of  
sale of sur-  
plus lands to  
be treated as  
capital.

**115.—**(1) The council shall keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue.

Separate  
accounts to  
be kept and  
audited.

(2) The accounts of the receipts and expenditure of the council in respect of the said undertaking shall be audited examined and published in like manner and with the same consequences as the

A.D. 1901. — other accounts of the council are audited examined and published under the Local Government Act 1894.

Inquiries by  
Local  
Government  
Board.

**116.**—(1) The Local Government Board may direct any enquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such enquiry have all such powers as they have for the purposes of enquiries directed by that Board under the Public Health Act 1875.

(2) The council shall pay to the Local Government Board any expenses incurred by that Board in relation to any enquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the enquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Authentica-  
tion and  
service of  
notices.

**117.**—(1) Subject to the provisions of this Act where any notice or demand under this Act requires authentication by the council the signature of the clerk or other duly authorised officer of the council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Sale of plant  
outside dis-  
trict.

**118.** If at any time after the passing of this Act any local authority whose district is beyond the district of the council but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months' notice in writing to the council of their desire to purchase such portion of the undertaking of the council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to any such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the council (except the wells reservoirs and other works mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the council for the supply of water) and to supply water within such district then it shall not be lawful for the council to oppose such application (except as to the details thereof)

and if such powers of purchase and supply be granted the council shall sell and such local authority shall purchase the portion of the undertaking of the council (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the council to supply water within the district of the purchasing authority shall cease and determine.

A.D. 1901.

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**119.** The costs charges and expenses of the council in connection with this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Act 1872 with respect to the bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the council primarily out of the district fund and general district rate but ultimately out of the moneys borrowed under the authority of this Act.

Costs of council.

## MISCELLANEOUS.

**120.** The Company may purchase or take on lease dwelling houses for persons in their employ and may erect and maintain dwelling houses for such persons upon the lands for the time being belonging to or leased by the Company.

Dwelling houses for persons in Company's employ.

**121.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

**122.** No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act.

Liability to water rate not to disqualify justice from acting.

**123.** The Order of 1882 and so much of the Water Orders Confirmation Act 1882 as relates thereto are hereby repealed.

Repeal of Order of 1882.

**124.** The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within

Copy of Act to be registered.

A.D. 1901. three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director and manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act. **125.** All costs charges and expenses of and incident to the applying for preparing obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

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