

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.



CHAPTER lxxxviii.

An Act to authorise the Banbury Water Com- A.D. 1937.
pany to construct new works and raise
additional capital to alter the limits of supply
of the Company to confer further powers upon
the Company to empower them to acquire the
undertaking of the Bloxham and District
Water Company Limited and for other
purposes. [20th July 1937.]

WHEREAS the Banbury Water Company (in this Act
referred to as "the Company") were incorporated
by the Banbury Waterworks Act 1865 and authorised
to supply water within the limits thereby prescribed:

28 & 29 Vict.
c. xvi.

And whereas it is expedient that the Company
should be authorised to construct new waterworks and
that the limits for the supply of water by the Company
should be altered:

And whereas the Bloxham and District Water
Company Limited (in this Act referred to as "the
Bloxham Company") are a company incorporated under
the Companies (Consolidation) Act 1908 with the object
(inter alia) of acquiring and carrying on certain freehold
waterworks situate at Bloxham formerly belonging
to and carried on by the North Oxfordshire Water
Company Limited and of supplying with water the towns
or villages of Bloxham East Adderbury and West
Adderbury in the county of Oxford and the neighbour-
hoods thereof and any adjoining or neighbouring towns
villages or districts:

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— And whereas the Bloxham Company are supplying water in the parishes of East Adderbury West Adderbury Bodicote Milton and Bloxham in the said county :

And whereas the Bloxham Company have agreed with the Company for the transfer of their undertaking to the Company and it is expedient that the said undertaking should be transferred to and vested in the Company in manner provided by this Act and that the agreement (a copy of which is set forth in the schedule to this Act) should be confirmed and that provision should be made for carrying it into effect :

And whereas the authorised share capital of the Company consists of thirty thousand pounds and the Company have created and issued share capital to the extent of twenty-two thousand pounds comprising one thousand four hundred and sixty ordinary shares of ten pounds each and seven hundred and forty preference shares of ten pounds each :

And whereas the Company are empowered to borrow on mortgage in respect of their said share capital as from time to time subscribed for and issued the total sum of seven thousand five hundred pounds and they have already borrowed the sum of four thousand nine hundred pounds :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and of their undertaking and should have other financial powers conferred on them as provided by this Act :

And whereas it is expedient to confer upon the Company the further powers in this Act contained and that the other provisions of this Act should be enacted :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament: A.D. 1937.

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:—

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Banbury Waterworks Act 1937. Short and collective titles.

(2) The Banbury Waterworks Act 1865 the Banbury Water Company (Modification of Charges) Order 1927 and this Act may be cited together as the Banbury Waterworks Acts and Order 1865 to 1937.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Purchase of undertaking of Bloxham Company.

Part IV.—Supply of water &c.

Part V.—Finance.

Part VI.—Administrative and miscellaneous provisions.

Division of Act into Parts.

3. The following Acts and parts of Acts (so far as applicable for the purposes of this Act and not inconsistent with the provisions of the Banbury Waterworks Acts and Order 1865 to 1937) are hereby incorporated with this Act:— Incorporation of Acts.

The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845: 8 & 9 Vict. c. 18.

Provided that any question of disputed compensation to which the provisions of the Lands Clauses Acts apply (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and

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PART I.
—cont.

8 & 9 Vict.
c. 20.

the person claiming the compensation or in default of such agreement appointed by the Minister on the application of either party;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if so much of the lines of pipes by this Act authorised as will not be constructed in a highway were referred to in lieu of "the railway" and the centre line of so much of the lines of pipes as aforesaid were referred to in lieu of "the centre of the railway";

10 & 11 Vict.
c. 17.

The Waterworks Clauses Act 1847 except section 7 and 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:

Provided that in the application to the Company of the Waterworks Clauses Act 1847 section 30 of that Act shall be read as if the words "seven days" were therein substituted for the words "three clear days";

26 & 27 Vict.
c. 93.
8 & 9 Vict.
c. 16.

The Waterworks Clauses Act 1863;

The Companies Clauses Consolidation Act 1845 as amended by subsequent Acts except the provisions thereof with respect to the conversion of borrowed money into capital; and

26 & 27 Vict.
c. 118.

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV:

Provided that in the application to the Company of Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words "and to the same amount as" were omitted therefrom.

Interpreta-
tion.

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

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And in this Act—

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“The Company” means the Banbury Water Company;

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—cont.

“The Act of 1865” means the Banbury Waterworks Act 1865;

“The undertaking” means the undertaking of the Company for the time being authorised;

“The directors” means the directors of the Company;

“The new works” means the works authorised by this Act;

“The Bloxham Company” means the Bloxham and District Water Company Limited;

“The undertaking of the Bloxham Company” includes all waterworks mains lands buildings plant and all other the real and personal property assets and effects of whatever nature (other than bank balances cash debts and sums of money due to the Bloxham Company and stores in hand) and all rights powers and privileges vested in or belonging to or had or enjoyed by the Bloxham Company at the day of transfer except the books and papers relating exclusively to the shareholders in and the constitution of the Bloxham Company or to the Bloxham Company’s bank accounts or cash or to debts and sums of money due to or owing by the Bloxham Company;

“The day of transfer” means the thirtieth day of June nineteen hundred and thirty-seven;

“The scheduled agreement” means the agreement dated the twenty-seventh day of April nineteen hundred and thirty-seven and made between the Bloxham Company of the one part and the Company of the other part and set out in the schedule to this Act;

“The existing limits of supply” means the area within which the Company are by the Act of 1865 authorised to supply water;

“The added limits of supply” means the areas added by this Act to the existing limits of supply;

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PART I.
—cont.

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

“ The Minister ” means the Minister of Health;

“ The conservators ” means the conservators of the river Thames.

PART II.

WORKS AND LANDS.

Power to
construct
works.

5. Subject to the provisions of this Act the Company may in the county of Oxford in the lines or situations and in under or upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown upon the deposited sections make and maintain—

Work No. 1 A weir intake and overflow in the parishes of Bodicote and Bloxham in the rural district of Banbury to be constructed in or across the Sor Brook at a point 55 yards or thereabouts south-east of the bridge over that stream near Bodicote Mill;

Work No. 2 A line or lines of pipes in the said parish of Bodicote commencing at the said intake and terminating at or in Work No. 3 next hereinafter described;

Work No. 3 A pumping station with filtration works in the parish of Bodicote in enclosure numbered 5 on the 1/2500 Ordnance map Oxfordshire (edition 1923) sheet X.1;

Work No. 4 A line or lines of pipes in the parish of Bodicote commencing in Work No. 3 and terminating in the Sor Brook at a point 7 yards or thereabouts east of the south-west corner of enclosure numbered 4 on the said Ordnance map sheet X.1;

Work No. 5 A line or lines of pipes commencing in the said parish of Bodicote in the said pumping station and terminating in the borough of Banbury in the service reservoir next hereinafter described;

Work No. 6 A service reservoir in the borough of Banbury in the enclosure numbered 257

on the 1/2500 Ordnance map Oxfordshire A.D. 1937.
(edition 1922) sheet V.12;

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PART II.
—cont.

Work No. 7 A line or lines of pipes in the said borough of Banbury commencing in the said service reservoir and terminating by a junction with the existing pipes of the Company in the Warwick Road;

Work No. 8 A line or lines of pipes in the said borough of Banbury commencing by a junction with Work No. 5 and terminating in the said borough by a junction with the existing pipe of the Company in the enclosure numbered 136 on the said Ordnance map sheet V.16.

6. In addition to the works authorised by the immediately preceding section of this Act the Company may upon any lands delineated on the deposited plans make and maintain and alter all such cuts channels catchwaters tunnels headings adits conduits pipes culverts drains sluices washouts bye-washes shafts overflows waste-water channels gauges filters works for the treatment of water tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery apparatus and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them or the undertaking or necessary or expedient for augmenting or improving the supply of water 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. Subsidiary works.

7. In the construction of the new works the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and the Company may deviate vertically from the levels thereof shown on the deposited sections to any extent: Power to deviate.

Provided that except for the purposes of crossing over a stream no part of the pipes shall be raised above

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PART II.

—cont.

Period for
completion
of works.

the surface of the ground unless and except so far as is shown on the deposited sections.

8. If the new works are not completed within a period of 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 shall cease except as to such of them or so much thereof respectively as shall then be completed :

Provided that the Company may extend enlarge alter reconstruct renew or remove any of the new works and in the case of lines of pipes lay down additional lines of pipes as and when occasion may require.

Limiting
powers of
Company
to abstract
water.

9. The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament but nothing in this section shall prevent the Company from extending enlarging altering reconstructing or renewing any works transferred to them under section 35 (Confirmation of scheduled agreement) of this Act.

Power to
acquire
lands.

10. The Company may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the new works and of obtaining access thereto and for the purposes of the undertaking.

Company
may acquire
easements
only in cer-
tain cases.

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

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers

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for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

12. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Oxford County Council and if the lands are situate in the borough of Banbury a duplicate thereof shall be deposited with the town clerk of that borough and if the lands are situate in the rural district of Banbury duplicates thereof shall be deposited respectively with the clerk of the council of that district and with the clerk of the council of the parish in which such lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

13. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator or other authority to whom the question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twenty-seventh day of November nineteen hundred and thirty-six if in the opinion of the authority the improvement alteration or building or the creation of the interest in respect of which the claim is made was not

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PART II.

←cont.

Correction
of errors in
deposited
plans and
book of
reference.

Compensa-
tion in case
of recently
acquired
interest.

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PART II.
—cont.Period for
compulsory
purchase of
lands and
easements.

reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

14. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the first day of October nineteen hundred and forty.

Persons
under
disability
may grant
easements
&c.

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

Power to
take water
from Sor
Brook.

16. Subject to the provisions of this Act the Company may abstract collect and divert at the point of intake by means of Work No. 1 authorised by this Act and may appropriate distribute and use for the purposes of the undertaking such quantity of water from the Sor Brook as the Company may require not exceeding in any one day of twenty-four hours calculated from midnight to midnight together with any quantity which may be abstracted collected diverted or appropriated by means of any waterworks of the Bloxham Company transferred to the Company under this Act a total quantity of eight hundred thousand gallons.

Ascertaining
quantity of
water taken.

17.—(1) For the purpose of ascertaining the quantity of water abstracted collected diverted or appropriated by the Company from the Sor Brook by means of Work No. 1 authorised by this Act the Company shall provide at such convenient place or places as may be agreed between the Company and the conservators or failing agreement be determined by arbitration suitable appliances to be reasonably approved by the conservators for measuring or otherwise ascertaining and recording the quantity of water so abstracted collected diverted or appropriated The

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said appliances shall be so provided by the Company before they commence to abstract collect divert or appropriate any water from the Sor Brook by means of Work No. 1 authorised by this Act and shall thereafter be maintained in good working order to the reasonable satisfaction of the conservators.

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PART II.
—cont.

(2) If the Company continue to abstract collect divert or appropriate water from the Sor Brook by means of any waterworks of the Bloxham Company transferred to the Company under this Act for more than twelve months after the date on which the Company commence to give a supply of water by means of the new works they shall at the expiration of the said period of twelve months provide and thereafter maintain in good working order to the reasonable satisfaction of the conservators at such convenient place or places as may be agreed between the Company and the conservators or failing agreement be determined by arbitration suitable appliances to be reasonably approved by the conservators for measuring or otherwise ascertaining the quantity of water so abstracted collected diverted or appropriated.

(3) The Company shall in every week send to the conservators a correct return in writing of the total quantity of water so abstracted collected diverted or appropriated from the Sor Brook in each day in the week ending at midnight on the Saturday then last past.

(4) The engineer of the conservators and any other person from time to time authorised in writing by him or by the secretary of the conservators shall at all reasonable times have access to all or any part of the premises of the Company for the purpose of inspecting and checking the accuracy of the appliances to be provided in pursuance of this section and of checking the returns made by the Company and the Company shall give to such engineer or other person all necessary facilities for inspecting and checking such appliances and returns as aforesaid.

(5) If any dispute shall arise between the conservators and the Company with respect to the suitability accuracy or user of the appliances to be provided by the Company in pursuance of this section or to the correctness of any return by this section required to be made by the Company or on any other

A.D. 1937. question arising under this section the matter shall
be settled by arbitration.

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PART II.
—cont.
Payments
for water.

18.—(1) As from the date on which the Company commence to abstract collect divert or appropriate water from the Sor Brook by means of Work No. 1 authorised by this Act the Company shall on the thirtieth day of June and the thirty-first day of December in every year pay to the conservators such sums as after the deduction of the income tax payable thereon will amount to the sums following (that is to say):—

If the water so taken during the preceding six months together with the water (if any) taken by the Company during those months from the Sor Brook by means of any waterworks of the Bloxham Company transferred to the Company under this Act shall not exceed the average daily quantity of three hundred thousand gallons the sum of twenty-five pounds;

If the water so taken together with the water (if any) taken by the Company from the Sor Brook by means of any waterworks of the Bloxham Company transferred to the Company under this Act shall exceed the average daily quantity of three hundred thousand gallons but shall not exceed the average daily quantity of three hundred and fifty thousand gallons the sum of thirty pounds and so on with an addition of five pounds for each additional average daily quantity of fifty thousand gallons or part thereof abstracted collected diverted or appropriated by the Company as aforesaid.

22 & 23 Geo. 5.
c. xxxvii.

(2) The payments to be made by the Company to the conservators under this section shall be carried to the conservancy fund as defined by the Thames Conservancy Act 1932.

For protec-
tion of con-
servators.

19. For the protection of the conservators the following provisions shall unless otherwise agreed between the Company and the conservators have effect (that is to say):—

(1) In this section "the said works" means Works Nos. 1 2 and 4 and all other works whether

temporary or permanent authorised by this Act so far as they affect the Sor Brook :

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—cont.

- (2) The said works shall be executed and maintained in accordance with plans elevations and sections to be submitted to and to be subject to the reasonable approval of the conservators and shall be executed and maintained under the superintendence (if given) and to the reasonable satisfaction of the engineer of the conservators :

Provided that if the conservators do not within twenty-one days after such submission signify their disapproval of such plans elevations and sections together with their grounds for such disapproval they shall be deemed to have approved thereof :

- (3) The said works shall be so constructed as to cause as little interruption as possible to the flow of water in the Sor Brook :
- (4) The Company shall give to the conservators at least fourteen days' notice in writing of the time of the commencement of any of the said works :
- (5) The said works when commenced shall be proceeded with and completed as quickly as possible :
- (6) The Company shall on the completion of such of the said works as are of a permanent nature and upon reasonable notice from the conservators so to do remove the whole and every part of such of the said works as are of a temporary nature and materials therefor which may have been placed in the Sor Brook by or at the instance of the Company and in particular all piles and other works in the bed of the said brook shall be drawn and not cut off and on the Company failing so to do the conservators may remove the same and the Company shall repay to the conservators the expenses reasonably incurred in so doing :
- (7) The Company shall not (except so far as shall be necessary in the construction of the said works) take any gravel soil or other material from the bed of the Sor Brook :

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PART II.
—cont.

(8) The weir Work No. 1 authorised by this Act shall be fitted with such moveable sluices as may be reasonably required and approved by the conservators. The said weir and sluices shall be controlled by the Company subject to the reasonable requirements of the conservators :

(9) The Company shall not abstract collect divert or appropriate any water from the Sor Brook so as to reduce the quantity of water flowing down the said brook at a point immediately below the said point of intake to less than two hundred thousand gallons in any day of twenty-four hours calculated from nine in the morning to nine in the morning and such quantity of water shall be ascertained by such method or appliances as may be reasonably approved by the conservators :

Provided that if the Company discontinue the use of the pumping station of the Bloxham Company transferred to the Company under this Act and cease to abstract water by means thereof the quantity of one hundred and fifty thousand gallons shall be substituted for the quantity of two hundred thousand gallons hereinbefore referred to :

(10) Any difference which may arise between the Company and the conservators under this section shall be settled by arbitration.

For protec-
tion of
Ecclesias-
tical Com-
missioners
for England.

20.—(1) The Company will not unless otherwise agreed with the Ecclesiastical Commissioners for England (hereinafter called “the commissioners”) abstract collect or divert any water from the Sor Brook so as to reduce the quantity of water flowing down the Sor Brook at a point immediately below the point of intake by means of Work No. 1 authorised by this Act to less than two hundred thousand gallons in any day of twenty-four hours calculated from nine in the morning to nine in the morning :

Provided that if the Company shall discontinue the use of the pumping station of the Bloxham Company transferred to the Company under this Act and cease to abstract water by means thereof the quantity

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of one hundred and fifty thousand gallons shall be substituted for the quantity of two hundred thousand gallons hereinbefore referred to.

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PART II.
—cont.

(2) The commissioners their agents and any other person from time to time authorised by them shall at all reasonable times have access to all or any part of the premises of the Company for the purpose of inspecting and checking the accuracy of the appliances and apparatus to be provided in pursuance of section 17 (Ascertaining quantity of water taken) and section 19 (For protection of conservators) of this Act and of ascertaining the quantities of water from time to time abstracted collected diverted or appropriated by the Company from the Sor Brook and of ascertaining the quantity of water from time to time flowing down the Sor Brook and the Company shall give to the commissioners or other person all necessary facilities for inspecting and checking such appliances and apparatus as aforesaid.

21. The following provisions for the protection of George Creswell Bond and of Edgehill Limited or other the owner for the time being of the whole or any part of the lands in the parishes of Shenington Alkerton Ratley and Upton Hornton Tysoe Shutford and Epwell in the counties of Warwick and Oxford edged red on the map signed in duplicate by John Ernest Commin on behalf of the Company and by the said George Creswell Bond a copy of which has been deposited with the Company (all of whom are in this section referred to as "the owner") shall unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say):—

For protec-
tion of
George
Creswell
Bond and
Edgehill
Limited.

(1) If at any time and from time to time the owner for the purpose of working any minerals under any of the aforesaid lands or any part thereof is desirous of abstracting water of a quantity not exceeding (in the aggregate of all water taken for all of the said lands) the specified amount from the Sor Brook above the road bridge between Shenington and Alkerton the Company shall not restrain oppose or object to such abstraction:

(2) In this section "the specified amount" means whenever the flow of water in the Sor Brook

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—cont.

at Bodicote Mill does not exceed eight hundred thousand gallons a day an amount of twenty thousand gallons a day and on any other occasion such amount as the owner may require :

- (3) The Company and any person duly authorised by them may at all reasonable times enter upon the lands hereinbefore referred to for the purpose of ascertaining the quantity of water abstracted by the owner from the said stream.

For protec-
tion of
Charles
Norman
Keyser.

22. For the protection of Charles Norman Keyser of Adderbury in the county of Oxford the following provisions shall unless otherwise agreed between the Company and the said Charles Norman Keyser have effect (that is to say) :—

- (1) The provisions of subsection (9) of section 19 (For protection of conservators) of this Act shall be deemed to be provisions for the protection of the said Charles Norman Keyser :
- (2) In order to assist the said Charles Norman Keyser fairly to formulate his claim to compensation under this Act—

(a) he shall in a form to be agreed between himself and the Company keep records of the working of his turbine situate at “Cotefield” in the said parish of Adderbury and also of such working of his auxiliary engine instead of or in addition to his said turbine as may be necessary for the purpose of providing adequate power for his electric plant at the said premises and of the cost of working such auxiliary engine ;

(b) the Company shall keep a record of the flow of water in the Sor Brook at or near Bodicote Mill ;

(c) the said records shall be kept for a period of three years commencing at such time as may be agreed between the parties and during the said period either party shall be entitled to inspect the said records of the other and the Company shall be entitled to inspect the said turbine :

(3) Without prejudice to any other claim to compensation which the said Charles Norman Keyser may properly make against the Company in respect of the exercise of their powers under this Act the Company shall at the expiration of the said period of three years pay to the said Charles Norman Keyser the amount of his expenses properly incurred during the said period in respect of the said records and the additional cost (computed from the said records) of working the said auxiliary engine during the said period by reason of the abstraction of water from the Sor Brook by the Company under the powers of this Act The Company shall also pay to the said Charles Norman Keyser in respect of the future additional cost of working such auxiliary engine and in full satisfaction of all claims which he may make by reason of such abstraction of water as aforesaid a capital sum equal to twenty times the average annual additional cost (computed from the said records) of working such auxiliary engine by reason of such abstraction of water aforesaid:

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—cont.

Provided that in assessing any compensation which may be payable to the said Charles Norman Keyser under this Act or under any Act incorporated therewith any sum paid or payable under this subsection shall be taken into account:

(4) Any difference which may arise between the Company and the said Charles Norman Keyser under this section shall be settled by arbitration.

23. For the protection of Archibald Tisdal Johns of Adderbury in the county of Oxford the following provision shall unless otherwise agreed between the Company and the said Archibald Tisdal Johns have effect (that is to say):—

For protec-
tion of
Archibald
Tisdal
Johns.

The provisions of subsection (9) of section 19 (For protection of conservators) of this Act shall be deemed to be provisions for the protection of the said Archibald Tisdal Johns.

PART II.

—cont.

For protection of Shropshire Worcestershire and Staffordshire Electric Power Company.

45 & 46 Vict. c. 19.

62 & 63 Vict. c. 19.

Application of Waterworks Clauses Act 1847 to pipes telephones &c.

24. Nothing in this Act shall extend to or authorise any interference with any works of the Shropshire Worcestershire and Staffordshire Electric Power Company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section and of sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899 and such provisions shall be deemed for the purposes of this section to extend to and include any works of that company placed upon or above ground.

25. 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 within the limits of supply of any pipes for the discharge of water electric lines and apparatus for the transmission of electricity and telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to construct lay down or erect for the purposes of the undertaking :

Provided that the Company shall not construct lay down erect or maintain any pipes for the discharge of water electric lines and apparatus for the transmission of electricity and telephone or telegraph posts wires conductors or apparatus in through across or under any street belonging to or maintainable by the Great Western Railway Company without the consent in writing of that company which consent shall not be unreasonably withheld and shall be deemed to have been given if that company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

For protection of Postmaster-General.

32 & 33 Vict. c. 73.

26. Any electric lines and apparatus for the transmission of electricity and any telegraphs telephones posts wires conductors apparatus or other means of electric communication made maintained constructed laid down or erected by the Company under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

A.D. 1937.

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PART II.
—cont.

41 & 42 Vict.
c. 76.

27.—(1) The purchase by the Company of the lands described in subsection (2) of this section and the expenditure of money on or in connection with the purchase thereof are hereby sanctioned and confirmed and the Company may by agreement purchase the outstanding interests (if any) in such lands not belonging to them at the passing of this Act.

Confirma-
tion of
purchase of
lands.

(2) The lands hereinbefore referred to are—

(a) Land and premises in the borough of Banbury in the county of Oxford containing about 2·919 acres purchased from Lloyds Bank Limited on the fifth day of January nineteen hundred and three comprising Grimsbury Mill (being part of the enclosure numbered 79 in the parish of Grimsbury on the 1/2500 Ordnance map (edition 1922) Oxfordshire sheet VI.5) the mill stream (being part of the enclosure numbered 30 in the said parish on the said map) and the pathway adjoining (being the enclosure numbered 34 in the said parish on the said map) and the piece of land in the north-west corner of the Company's present works (being part of the enclosure numbered 82 in the said parish on the said map) together with a right of way over the roadway running in an easterly direction from the said mill to Grimsbury aforesaid and together with a right of way over the private roadway (across the enclosure numbered 84 in the said parish on the said map) running from the said works to the Banbury-Southam road;

(b) Land in the said borough of Banbury containing about 3 acres purchased from John Henry Welford and William Welford on the eighth day of May nineteen hundred

A.D. 1937.

PART II.

—cont.

and thirty bounded by the said private roadway on the south by the river Cherwell on the west and north-west and by the Company's said works on the east and north-east and being part of the enclosure numbered 84 in the said parish on the said map including the private roadway running through the said enclosure.

Power to take additional lands by agreement.

28. The Company in addition to any other lands acquired or held by them in pursuance of the Act of 1865 or this Act may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking further lands (not exceeding in the whole twenty acres) or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Company may deem necessary for those purposes and the Company on any lands acquired under this section and also on all or any of the lands for the time being held by them under the powers of the Act of 1865 or this Act may execute for the purposes of or in connection with the undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Company shall not create or permit a nuisance on such lands and shall not erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

Power to retain and sell &c. lands.

29.—(1) The Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of to such persons in such manner and for such consideration and on such terms and conditions as they may think fit and in case of sale either in consideration of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands acquired at any time by them and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interest and may make do and execute any deed act or thing proper for effectuating any such

sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

A.D. 1937.
—
PART II.
—cont.

(2) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to the Company or be incorporated with the Act of 1865.

30. The Company may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of the undertaking and may erect fit up maintain and let any such buildings for and to such persons upon any lands for the time being belonging to the Company for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Company for those purposes.

Dwelling-houses for persons in Company's employ.

31.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Powers for protection of waters.

Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the

A.D. 1937. provisions of the Waterworks Clauses Act 1847 with
respect to the breaking up of streets for the purpose
of laying pipes.

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PART II.
—cont.

Power to
agree as to
drainage of
lands &c.

32. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their waterworks with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such works.

Temporary
discharge of
water into
streams &c.

33.—(1) For the purpose of constructing enlarging extending altering repairing emptying cleansing or examining any of the waterworks of the Company as from time to time existing the Company may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Company may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by the exercise of such powers the amount of such compensation to be settled in default of agreement by arbitration and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

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

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

34. The following provisions for the protection of the Great Western Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Company and the railway company be in force and have effect with respect to the exercise of the powers of this Act:—

A.D. 1937.

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PART II.

—cont.

For protec-
tion of
Great
Western
Railway
Company.

(1) Any additional expense which the railway company may reasonably incur in pursuance of any powers existing at the date of this Act in widening altering reconstructing repairing or maintaining their railway or other works by reason of the existence of the works of the Company laid or executed under the powers of this Act upon across over or under the same shall be paid by the Company:

(2) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section shall be settled by arbitration.

PART III.

PURCHASE OF UNDERTAKING OF BLOXHAM COMPANY.

35.—(1) The scheduled agreement is hereby confirmed and made binding upon the Company and the Bloxham Company and as on and from the day of transfer the undertaking of the Bloxham Company with all rights powers and privileges in relation to that undertaking shall by virtue of this Act become or be deemed to have become and shall thenceforth be transferred to and vested in the Company free from all charges debts and liabilities upon or affecting the same and subject to the provisions of this Act and of the scheduled agreement and such transfer and vesting are in this Act referred to as "the transfer."

Confirma-
tion of
scheduled
agreement.

(2) The Company may continue maintain and use any waterworks mains plant and apparatus transferred to them under this section and the Banbury Waterworks Acts and Order 1865 to 1937 shall apply to such waterworks mains plant and apparatus in all respects as though the same had been constructed or laid down under the authority of those Acts and Order.

A.D. 1937.

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PART III.
—*cont.*

(3) The production of a King's printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors of the Bloxham Company or by the cashier of the Bank of England shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer.

Receipt for
purchase
money.

36.—(1) The receipt in writing of two directors of the Bloxham Company for any money paid to the Bloxham Company by the Company shall effectually discharge the Company 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.

(2) Provided that if from any cause the Company are unable to obtain such receipt from such directors they may pay the money into the Bank of England in the name of the Accountant-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 Company by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors of the Bloxham Company.

Debts and
apportion-
ment of
receipts.

37.—(1) All debentures mortgages debts and liabilities of the Bloxham Company in respect of the undertaking of the Bloxham Company existing on the day of transfer shall be paid discharged and satisfied by the Bloxham Company and the Bloxham Company shall indemnify the Company against the same.

(2) The Bloxham Company shall bear and pay all outgoings of every description and shall be entitled to all water rates rents and charges and other debts and sums of money due to them and to all receipts from the undertaking of the Bloxham Company up to the day of transfer.

(3) Any water rates rents or other receipts paid or payable in advance and attributable to any period after the day of transfer shall be apportioned and so much thereof as is attributable to any period after the day of transfer shall be paid by the Bloxham Company to the Company.

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

38.—(1) Until the day of transfer the Bloxham Company shall carry on their undertaking efficiently in the ordinary course of business and shall maintain all assets of the Bloxham Company but the Bloxham Company shall not without the consent of the Company make or enter into any new contract agreement liability or other obligation in respect of the undertaking of the Bloxham Company which shall extend beyond the day of transfer nor vary any of the rates rents and charges which were being demanded and taken by the Bloxham Company on the eighth day of April nineteen hundred and thirty-seven.

(2) As from the day of transfer and until the date of actual payment by the Company of the purchase money the Bloxham Company shall carry on their undertaking as agent for the Company.

39. If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Bloxham 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 Bloxham 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.

40. Subject to the provisions of this Act the conveyance dated the thirty-first day of July nineteen hundred and eight and made between Mary Catherine Painter and Annie Elizabeth Bartlett of the one part and the North Oxfordshire Water Company Limited of the other part the conveyance dated the thirty-first day of July nineteen hundred and eight and made between Edward Lamley Fisher of the one part and the North Oxfordshire Water Company Limited of the other part the deed of grant dated the sixteenth day of March nineteen hundred and twelve and made between Flora Charlotte Monckton and Frederica Reynell-Pack of the one part and the Counties Gas Company Limited of the other part and the agreement dated the twenty-fourth day of June nineteen hundred and thirty-six and made between Archibald Tisdal

A.D. 1937.

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PART III.

—cont.

Maintenance
of under-
taking of
Bloxham
Company
until
transfer.

Actions &c.
not to
abate.

Certain
deeds &c. to
be binding.

A.D. 1937.

PART III.

—cont.

Johns of the one part and the Bloxham Company of the other part 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 North Oxfordshire Water Company Limited the Counties Gas Company Limited or the Bloxham Company (as the case may be) the Company had been a party thereto.

Books &c.
to remain
evidence.

41. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Bloxham Company shall be admitted in evidence in respect of the same or the like matter for or against the Company.

Bloxham
officers to be
accountable
for books
&c.

42. All officers of the Bloxham Company and other persons who at the day of transfer have in their possession or under their control any books deeds plans documents papers moneys or effects forming part of or relating to the undertaking of the Bloxham Company (other than the books and papers relating exclusively to the shareholders in and the constitution of the Bloxham Company or to the Bloxham Company's bank accounts or cash or to debts and sums of money due to or owing by the Bloxham Company) shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers or persons had been appointed by and become possessed of such books deeds plans documents papers moneys or effects for the Company.

Copy of Act
to be regis-
tered.

43. The Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within 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 or manager of the Company who knowingly and wilfully authorises such default shall incur a 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

[1 EDW. 8. & Banbury [Ch. lxxxviii.]
1 GEO. 6.] Waterworks Act, 1937.

Companies Act 1929 on registration of any document A.D. 1937.
other than a memorandum of association or the abstract
required to be delivered to the registrar by a receiver PART III.
or manager or the statement required to be sent to the —cont.
registrar by the liquidator in a winding up in England. 19 & 20
Geo. 5. c. 23.

PART IV.

SUPPLY OF WATER &C.

44.—(1) The limits within which the Company may supply water and exercise the powers conferred upon them by the Banbury Waterworks Acts and Order 1865 to 1937 shall extend to and include in addition to the existing limits of supply so much of the borough of Banbury as is not within the existing limits of supply and the parish of Bloxham. Alteration and re-definition of limits of supply.

(2) So much of the parish of Barford Saint John and Saint Michael in the rural district of Banbury as is within the existing limits of supply shall cease to be within the limits of supply and notwithstanding anything contained in the Act of 1865 or any other Act all rights and obligations of the Company with respect to the supply of water in the said parish shall cease and determine.

(3) Accordingly on and after the date of the passing of this Act the limits of supply shall be and include the following areas as respectively constituted at the date of the passing of this Act (that is to say) :—

In the county of Oxford—

The borough of Banbury;

The parishes of Bloxham Bodicote East Adderbury Milton and West Adderbury all in the rural district of Banbury.

In the county of Northampton—

The parish of Warkworth in the rural district of Brackley.

(4) Subject to the provisions of this Act the Company within the added limits of supply shall have and may exercise all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they have and are subject to within the existing limits of supply.

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PART IV.
—cont.
Limit of
pressure.

45.—(1) 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 reservoir from which the supply is taken.

(2) On the date on which the Company commence to give a supply of water by means of the new works section 45 (Water need not be constantly under pressure) of the Act of 1865 shall be repealed.

Contracts
for supply-
ing water
in bulk.

46. The Company may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the limits of supply to any such authority board 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—

(a) such supply shall not be given except with the consent of any authority water board company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply ;

(b) nothing in this section shall authorise the Company to lay any mains or pipes beyond the limits of supply ;

(c) nothing in this section shall authorise the Company to supply water in bulk outside or for consumption or use outside the area included within the limits shown on the “deposited map” as such map is defined by section 119 of the Thames Conservancy Act 1932.

Amendment
of section 35
of Water-
works Clauses
Act 1847.

47. Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Company be read and construed as if the words “one-eighth part” were substituted therein for the words “one-tenth part.”

Cisterns to
be provided.

48.—(1) The Company may require that any dwelling-house the supply of water to which is commenced after the passing of this Act and which is situate

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

on land at a higher level than fifty feet below the draw-off level of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours.

(2) The Company shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

49.—(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 Banbury Waterworks Acts and Order 1865 to 1937 to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate not exceeding nine per centum on the gross value of such dwelling-house :

Provided that the Company shall not be required to supply any premises with water at a less sum than fourpence per week.

(2) The gross 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 accrued :

Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding five shillings per annum and in respect of every fixed bath beyond the first (for which no additional charge shall be made unless the same have a capacity in excess of fifty gallons) not having a capacity in excess of fifty gallons on any premises supplied with water a sum not exceeding ten shillings per annum and in respect

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PART IV.
—cont.

Rates of
supply for
domestic
purposes.

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PART IV.
—cont.

of every fixed bath having a capacity in excess of fifty gallons such sum as the Company may think fit. The additional sums which may be charged under this subsection shall be recoverable at the like dates and in the same manner as the water rate.

(4) For the purposes of this section the capacity of a bath shall be measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe.

(5) Section 40 (Rate at which water is to be supplied for domestic purposes) and section 41 (Rates for water-closets and baths) of the Act of 1865 are hereby repealed.

Rates payable by owners of small houses.

50.—(1) Where the net annual value of a house supplied with water does not exceed thirteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply of water but the rate may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by the occupier from the rent from time to time due from him to the owner:

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

As to payment of water rates.

51.—(1) The Company may demand water rates and charges by half-yearly instalments in advance on the twenty-fourth day of June and the twenty-fifth day of December in each year but so that the same shall not be recoverable until the expiration of two months from the said twenty-fourth day of June and twenty-fifth day of December respectively.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate or charge is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Company.

A.D. 1937.

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PART IV.
—cont.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

52.—(1) Where water supplied for domestic purposes otherwise than by measure is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hosepipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more horses carriages or motor cars than one are kept) a further sum not exceeding ten shillings per annum for each horse carriage or motor car beyond the first.

Charges for supply by hosepipe.

(2) The additional sums chargeable under this section shall be payable in advance and be recoverable in all respects with and in the same manner as the rate for the supply of water for domestic purposes to the premises.

(3) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used shall be taken by measure and paid for accordingly.

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PART IV.
—cont.
Charges for
supplies for
refrigerating
apparatus
&c.

53.—(1) Where a person who takes a supply of water for domestic purposes from the Company otherwise than by measure instals or commences to use—

- (a) a water-cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

he shall notify the Company in writing and the Company may if they think fit require that all water so used shall—

- (i) be paid for at such rates as may be agreed between such person and the Company; or
- (ii) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

Supply to
houses
partly used
for trade &c.

54.—(1) The Company shall not be bound to supply with water otherwise than by meter—

- (a) any premises used as a house whereof a part is used by the same occupier for any business trade or manufacturing purpose for which water is required;
- (b) any public institution;
- (c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant hotel or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910; or
- (d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

10 Edw. 7. &
1 Geo. 5.
c. 24.

[1 EDW. 8. &
1 GEO. 6.]

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Waterworks Act, 1937.

[Ch. lxxxviii.]

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rate for the time being payable for water supplied for domestic purposes.

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PART IV.
—cont.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same value.

55.—(1) Within three years after the passing of this Act the Company shall make application to the Minister so as to afford to him an opportunity of making an order varying either by way of increase or decrease the rates and charges for the supply of water authorised by this Act or altering the basis of such rates and charges and if the Minister is satisfied having regard to the provisions of subsection (4) of this section that such variation or alteration ought to be made he may make such order accordingly.

Revision of
rates and
charges.

(2) If the Company or a local authority having jurisdiction within the limits of supply apply to the Minister for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the Minister made in pursuance of this section and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may by order vary either by way of increase or decrease such rates and charges or any of them and such order shall fix the date on which the rates and charges so varied shall come into force:

Provided that in the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges in pursuance of an application under this subsection until after the expiration of five years from the date of his decision on the last preceding application under this section.

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PART IV.
—cont.
15 & 16
Geo. 5. c. 90.

(3) The making of any new valuation list under Part II of the Rating and Valuation Act 1925 shall be deemed to be a circumstance affecting the undertaking within the meaning and for the purposes of this section.

(4) The rates and charges prescribed in any order made in pursuance of this section shall be of such respective amounts as to produce (after providing for all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and providing for any contribution which the Company may carry to any reserved fund or contingency fund formed under the provisions of this or any other Act and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Company due regard being had to any capital which may be reasonably expected to be expended by the Company during the five years immediately following the date of such order.

As to gross value of two or more houses in one occupation.

56. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a value equal to the aggregate of the gross values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

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

57. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with the Act of 1865 and this Act and as if any highway authority

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

within the meaning of the Local Government Act 1929 which will be responsible for the maintenance and repair of any street or road when it becomes repairable by the inhabitants at large were deemed to be (in addition to any other persons) persons having the control or management of the street or road :

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PART IV.

—cont.

19 & 20

Geo. 5. c. 17.

Provided that the powers of this section shall not be exercised in regard to any street or road belonging to and forming the approach to any station or depot of the Great Western Railway Company except with the consent of that railway company which consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street Any question as to whether or not any such consent has been unreasonably withheld shall be referred to and determined by arbitration.

58.—(1) The Company shall not be bound to supply with water more than one house or building or part of a house or building occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate communication pipe be laid from the main of the Company into each house or building or part of a house or building occupied as a separate tenement supplied by them with water.

Separate communication pipes may be required.

(2) If the owner of any house or building or part of a house or building occupied as a separate tenement which is supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate communication pipe from the main of the Company into such house or building or part of a house or building the Company may themselves do the work necessary in that behalf and may recover summarily from such owner as a civil debt the cost incurred by them in so doing.

59. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other

Maintenance of common pipe.

A.D. 1937.

PART IV.
—cont.

premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company or other officer duly authorised in that behalf by the Company.

As to communication pipe.

60.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 to maintain or repair any pipe or apparatus used for the supply of water from the works of the Company the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Company by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made.

Power to Company to repair communication pipes.

61. If it should appear to the Company that by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the reasonable expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

pipe is repairable by the occupier of such premises from the occupier :

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PART IV.
—cont.

Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

62.—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may whether the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stopcock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position in or under the street as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters any premises whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stopcock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person.

Stopcocks
&c. to be
fitted in
communica-
tion pipes.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stopcock and for the purpose of maintaining any existing stopcock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stopcock and for that purpose authorised to open or break up any street within the limits of supply execute such works

A.D. 1937. on behalf of such person and any expenses incurred
— by the Company in so doing shall be repaid by the
PART IV. person with whom the agreement is made.
—cont.

Company
to connect
communica-
tion pipes
with mains.

63. Notwithstanding anything in any Act or Order relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any reasonable expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting.

Penalty for
interference
with valves
&c.

64. Any person being the owner or occupier of any house or premises or part of a house or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for
closing
valves and
apparatus.

65. Every person who—

- (1) without the consent of the Company shall wilfully; or
- (2) shall negligently;

close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained:

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

Provided that this section shall not apply to a consumer of water closing a valve fixed on his communication pipe.

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PART IV.
—cont:

66.—(1) 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.

As to register of meters.

(2) Provided that if the Company and the person to whom the water is supplied 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 any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter or other instrument for measuring water used by a consumer of water be proved to register erroneously the erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rents are recoverable by the Company.

67. 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 the 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.

Notices to Company of connecting or disconnecting meters.

68. 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

Notice of discontinuance.

A.D. 1937. behalf of the consumer and be left at or sent by post
to the office of the Company.

PART IV.

—cont.

Power to re-
move meters
and fittings.

69. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Injuring
meters.

70.—(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 fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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

or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recoverable in the like manner as water rates are recoverable by the Company.

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PART IV.
—cont.

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

71.—(1) The Company may make byelaws as to the testing and stamping of valves fittings and other apparatus and prescribing the charge to be made for such testing and stamping and all such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those provisions shall for the purpose of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk to the local authority The confirming authority for the purpose of the said section 250 shall be the Minister.

Byelaws for preventing waste &c. of water.
23 & 24
Geo. 5. c. 51.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

A.D. 1937.

PART IV.

—*cont.*

Extension
of power to
inspect
premises.

72. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

PART V.

FINANCE.

Additional
capital.

73. The Company may from time to time raise additional capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue or re-issue thereof an amount not exceeding in the whole forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively.

Limit of
profit on
additional
capital.

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

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

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

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PART V.

—cont.

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

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

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

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

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

78. Subject to the provisions of the Act of 1865 and of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by the Act of 1865 and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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

79.—(1) All ordinary or preference shares or stock issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

Sale of shares or stock by auction or tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine :

Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the town clerk of the borough of Banbury to the clerk to the council of each rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the

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PART V.
—cont.

case may be and shall also be duly advertised in one or more local newspapers circulating within the limits of supply;

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid; and
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only:

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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PART V.
—cont.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

80. The Company when ordinary or preference shares or stock are or is to be offered for sale may with the approval of the Minister and subject to such conditions as the Minister may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional for such shares or stock :

Provisions
as to pay-
ment of
commission
on sale of
capital.

Provided that—

- (a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of the shares or stock; and
- (b) nothing in this section contained shall affect any power of the Company to pay brokerage.

81. Notwithstanding anything in any Act relating to the Company the Company may with the approval of the Minister and subject to such conditions as the Minister may think fit to impose offer for subscription

Power to
offer shares
or stock for
subscription
by public.

A.D. 1937.

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PART V.

—cont.

Power to
borrow.

by the public any ordinary or preference shares or stock which they may for the time being be authorised to issue.

82.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the capital raised by the Company before the passing of this Act any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) eleven thousand pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any capital raised by them after the passing of this Act any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing has been so raised and in the case of any capital raised by the issue of redeemable preference shares or stock has not been redeemed by paying off the shares or stock. But no sum shall be borrowed in respect of any such capital until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital together with the premiums (if any) realised on the sale thereof has been fully paid up.

Debenture
stock.

83. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Company 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 any previous Act or this Act 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 by which the stock and mortgages were authorised or of the resolutions by which the same were created) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and

[1 EDW. 8. &
1 GEO. 6.]

Banbury
Waterworks Act, 1937.

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certificates of debenture stock issued after the passing of this Act. A.D. 1937.

PART V.
—cont.
Priority of mortgages and debenture stock over other debts.

84. All money to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act :

Provided that this priority shall not affect any claim against the Company or their property—

- (a) in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts; or
- (b) in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock; or
- (c) for land taken used or occupied by the Company for the purposes of the undertaking and works of the Company or injuriously affected by the execution of such works or by the exercise of any powers conferred upon the Company.

85.—(1) In this section unless the context otherwise requires—

- “ stock ” means and includes preference shares or stock and debenture stock;
- “ issue ” includes re-issue;
- “ redeemable stock ” means any stock issued under the powers of this section so as to be redeemable;
- “ redeemed stock ” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

Redeemable preference shares or stock and debenture stock.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act :

A.D. 1937.

PART V.
—cont.

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

Provided that—

- (a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and
- (b) during such interval as aforesaid the amount raised by means of any preference shares or stock so created or issued shall not be deemed to be paid-up share capital for the purposes of any enactment regulating the borrowing powers of the Company.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Company of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any

[1 EDW. 8. &
1 GEO. 6.]

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Waterworks Act, 1937.

mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue :

A.D. 1937.

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PART V.
—cont.

Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 79 (Sale of shares or stock by auction or tender) of this Act.

(8) Subject to the terms of any resolution creating any redeemable preference or debenture stock heretofore issued by the Company the provisions of this section shall so far as applicable extend and apply to the redemption of any such stock or any part thereof and to the issue of stock for paying off or redeeming the same or of providing stock to be substituted therefor.

86. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Priority of principal moneys secured by existing mortgages.

A.D. 1937.

PART V.
—cont.
Appoint-
ment of
receiver.

87. The mortgagees of the undertaking may enforce payment or 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 in the whole than one-tenth of the amount for the time being borrowed by the Company and outstanding or ten thousand pounds whichever is the less.

Minimum
holdings of
stock and
debenture
stock.

88.—(1) All ordinary and preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or a multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any ordinary or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or a multiple of one pound of ordinary or preference stock or debenture stock.

(2) Notice of this enactment as far as applicable shall be stated in all certificates of ordinary and preference stock and debenture stock of the Company (as the case may be) issued after the passing of this Act.

Application
of money.

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

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

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised under the Act of 1865.

[1 EDW. 8. &
1 GEO. 6.]

Banbury
Waterworks Act, 1937.

[Ch. lxxxviii.]

90.—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

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PART V.
—cont.

Limit on
contingency
fund.

(2) The amount standing to the credit of such contingency fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital.

91. The amount which may be carried by the Company in any year to any reserved fund formed in pursuance of section 76 of the Waterworks Clauses Act 1847 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

Limit on
reserved
fund.

92. Any sums standing to the credit of the contingency reserve fund of the Company at the date of the passing of this Act shall be applied only to the purposes of the undertaking to which capital is properly applicable and no sum shall in any year or half-year after the said date be appropriated out of the revenues of the Company to that fund.

As to con-
tingency
reserve
fund.

93. It shall be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum not exceeding the total of the following amounts:—

Limit on
carry for-
ward.

(a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;

(b) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and

(c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages or debenture stock.

A.D. 1937.

PART VI.

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS.

Meetings of
Company.

94. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine.

Notices of
meetings.

95. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement :

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Voting
rights.

96.—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of ordinary shares or stock and of any preference shares or stock to which voting rights are attached by the resolution creating them or which were created before the passing of this Act shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete twenty pounds in the nominal value of the said shares or stock held by him beyond twenty pounds.

(2) Where a corporation being a holder of shares or stock to which voting rights are attached is present by a proxy who is not a shareholder in the Company such proxy shall be entitled to vote for such corporation on a show of hands.

As to
appoint-
ment of
proxies.

97. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder duly authorised in writing may appoint

a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy :

A.D. 1937.

—
PART VI.
—cont.

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

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

Joint holders.

99.—(1) The Company may—

- (a) close the register of transfers of any ordinary or preference shares of the Company for a period not exceeding fourteen days previous to an ordinary meeting or the date of payment of any interim dividend on any such shares; and
- (b) close the register of transfers of any class of mortgages or debenture stock for a period not exceeding fourteen days previous to any date on which the interest on mortgages or debenture stock of that class shall be payable; and
- (c) fix a day for closing any such register subject to giving seven days' notice either by circular

Closing of transfer books.

A.D. 1937.

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PART VI.
—cont.

to each holder of shares or mortgages or debenture stock of the class to which the register relates or by advertisement in a newspaper circulating in the limits of supply.

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

Remunera-
tion of
secretary.

100. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Proof of
majority of
votes only
required
when poll
demanded.

101. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Company
not bound
to regard
trusts.

102. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any shares or stock or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall *mutatis mutandis* extend and apply to any shares or stock or debenture stock of the Company as if such shares or stock or debenture stock were shares to which that section applies.

Receipts of
minors.

103. If any money is payable to a mortgagee or debenture stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

104. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several shareholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

A.D. 1937.
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PART VI.
—cont.
Substitution
of card-
index for
share-
holders'
address
book.

105. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

Register of
shareholders
and share-
holders'
address
book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

106. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any shares or stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage share stock debenture stock dividend or interest represented thereby.

Indemnity
before issue
of substi-
tuted certi-
ficates &c.

107. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the

Directors
holding
office under
or contract-
ing with
Company.

A.D. 1937.
—
PART VI.
—cont.

Company or by reason of his being interested directly or indirectly concerned in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested or directly or indirectly concerned in any such contract :

Provided that—

- (a) in the case of his being or becoming interested in any contract with the Company whether such interest arises before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and
- (b) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

For the purpose of proviso (a) to this section a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

Vacation of
office of
director.

108. If any of the directors shall be made bankrupt or shall go to reside abroad for a longer period than twelve months or shall become of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect to attend be occasioned by illness or other reasonable cause allowed by the directors) then the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

109.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at a general meeting of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Company seven days at least before the day of election and the secretary shall during such seven days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

110.—(1) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting :

Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared.

(2) The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

111.—(1) It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the accounts of the Company shall be audited by a single auditor or by a firm of accountants.

A.D. 1937.

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PART VI.
—cont.

Notice of candidature of or of opposition to re-election of director.

Interim dividends and annual accounts.

Auditors.

A.D. 1937.

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PART VI.
—cont.

(2) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(3) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

Power to
grant pen-
sions &c.

112.—(1) The Company may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee.

(2) The Company may also make such payments as they think fit to any superannuation fund formed for the benefit of the employees.

(3) The Company may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions superannuation allowances or payments as are by this section authorised to be granted or made.

(4) The Company may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

(5) The Company may apply the revenues of the Company for the purposes of this section.

(6) In this section the word "employee" includes any officer or servant.

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

113. Any notice to be served by the Company may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served cannot be found after proper inquiry it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

A.D. 1937.
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PART VI.
—cont.
Service of
notices by
Company.

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

Several
sums in one
summons.

115. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

Recovery of
demands.

116. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against any such Act or Order and all penalties forfeitures costs and expenses imposed by or recoverable under any such Act or Order or any byelaw made in pursuance of a power thereby conferred may be prosecuted and recovered in a summary manner :

Recovery of
penalties
&c.

Provided that the costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

117. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred on him or the giving of consents

Inquiries by
Minister.

A.D. 1937. under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

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PART VI.
—cont.
Arbitra-
tions.

118. Where under this Act any question difference or dispute (other than a question difference or dispute to which the provisions of the Lands Clauses Acts apply) or any matter or thing is to be referred to or settled by an arbitrator or arbitration then unless other provision is made the question difference or dispute shall be referred to and settled by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the arbitration.

Costs of Act. **119.** All costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1937.

AN AGREEMENT made the twenty-seventh day of April nineteen hundred and thirty-seven between THE BLOXHAM AND DISTRICT WATER COMPANY LIMITED (hereinafter referred to as "the Bloxham Company") of the one part and THE BANBURY WATER COMPANY (hereinafter referred to as "the Banbury Company") of the other part.

WHEREAS—

- (1) The Bloxham Company are a company incorporated under the Companies Consolidation Act 1908 with the objects (inter alia) of acquiring and taking over as a going concern and of carrying on certain freehold waterworks situate at Bloxham formerly belonging to and carried on by the North Oxfordshire Water Company Limited and of supplying with water the towns or villages of Bloxham East Adderbury and West Adderbury in the county of Oxford and the neighbourhoods thereof and any adjoining or neighbouring towns villages or districts and of carrying on the business of a waterworks company in all its branches and they are now supplying water in the parishes of East Adderbury West Adderbury Bodicote Milton and Bloxham all in the said county :
- (2) The Banbury Company have promoted in the present session of Parliament a Bill intituled "An Act to
" authorise the Banbury Water Company to construct
" new works and raise additional capital to alter
" the limits of supply of the Company to confer
" further powers upon the Company to empower
" them to acquire the undertaking of the Bloxham
" and District Water Company Limited and for
" other purposes " :
- (3) The Bloxham Company and the Banbury Company have provisionally agreed that the undertaking shall be transferred to and vested in the Banbury Company upon the terms and conditions hereinafter set forth :

A.D. 1937. Now it is hereby agreed as follows:—

1. In this agreement unless the context otherwise requires—

“The undertaking” means and includes all waterworks mains lands buildings plant and all other the real and personal property assets and effects of whatever nature (other than bank balances cash debts and sums of money due to the Bloxham Company and stores in hand) and all rights powers and privileges vested in or belonging to or had or enjoyed by the Bloxham Company at the day of transfer except the books and papers relating exclusively to the shareholders in and the constitution of the Bloxham Company or to the Bloxham Company’s bank accounts or cash or to debts and sums of money due to or owing by the Bloxham Company;

“The day of transfer” means the thirtieth day of June nineteen hundred and thirty-seven.

2. Subject as hereinafter provided the Bloxham Company shall transfer to the Banbury Company and the Banbury Company shall acquire as a going concern the undertaking as it exists on the day of transfer but free from all charges debts and liabilities upon or affecting the same.

3. As the consideration for the sale and transfer to the Banbury Company of the undertaking the Banbury Company shall within two months after the passing of the said Bill pay to the Bloxham Company the sum of sixteen thousand and five hundred pounds in cash:

Provided that if the said sum or any part thereof be not paid by the first day of October nineteen hundred and thirty-seven such sum or so much thereof as shall be unpaid shall bear interest at the rate of four per centum per annum from the said first day of October until the date of payment.

4. From the day of transfer and until the actual payment by the Banbury Company of the purchase money the Bloxham Company shall carry on the undertaking as agent for the Banbury Company.

5. All debentures mortgages debts and liabilities of the Bloxham Company in respect of the undertaking existing on the day of transfer shall be paid discharged and satisfied by the Bloxham Company and the Bloxham Company shall indemnify the Banbury Company against the same.

6. The Bloxham Company shall bear and pay all outgoings of every description and shall be entitled to all water rates rents and charges and other debts due to them and to all receipts from the undertaking up to the day of transfer.

7. Any water rates rents or other receipts paid or payable in advance and attributable to any period after the day of transfer shall be apportioned and so much thereof as is attributable to any period after the day of transfer shall be paid by the Bloxham Company to the Banbury Company. A.D. 1937.

8. Any expenditure properly incurred and paid by the Bloxham Company in relation to the undertaking and attributable to any period after the day of transfer shall be apportioned and so much thereof as is attributable to any period after the day of transfer shall be paid by the Banbury Company to the Bloxham Company.

9. Until the day of transfer the Bloxham Company shall carry on their undertaking efficiently in the ordinary course of business and shall maintain all assets of the Bloxham Company but the Bloxham Company shall not without the consent of the Banbury Company make or enter into any new contract agreement liability or other obligation in respect of the undertaking which shall extend beyond the day of transfer nor vary any of the rates rents and charges which were being demanded and taken by the Bloxham Company on the eighth day of April nineteen hundred and thirty-seven.

10. The purchase shall be completed at the offices of the Bloxham Company two months after the passing of the said Bill and thereupon the Bloxham Company and all other necessary parties shall execute and do all assurances and things for vesting the undertaking in the Banbury Company (if and so far as the same shall not be or become vested in the Banbury Company without any assurance by or in pursuance of the Act the Bill for which is hereinbefore recited) and giving them the full benefit of this agreement as shall be reasonably required by the Banbury Company.

11. On the day of transfer the rights and obligations of the Bloxham Company under an agreement dated the twenty-fourth day of June nineteen hundred and thirty-six and made between Archibald Tisdall Johns of the one part and the Bloxham Company of the other part shall be transferred to the Banbury Company.

12. The Bloxham Company shall not after the day of transfer incur any expenditure or liability of a capital or unusual nature without the consent of the Banbury Company.

13. The Bloxham Company shall out of the purchase money hereinbefore referred to pay such compensation as shall be necessary to the directors officers and servants of the Bloxham Company and the Banbury Company shall not be bound to take

A.D. 1937. — over or employ any officer or servant of the Bloxham Company or be liable to pay compensation to any such director or to any such officer or servant 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 Bloxham Company.

14. The Bloxham Company shall supply to the Banbury Company such information as they have which the Banbury Company may require relating to the undertaking.

15. All officers of the Bloxham Company and other persons who at the day of transfer have in their possession or under their control any books deeds plans documents papers moneys or effects forming part of or relating to the undertaking (other than the books and papers relating exclusively to the shareholders in and the constitution of the Bloxham Company or to the Bloxham Company's bank accounts or cash or to debts and sums of money due to or owing by the Bloxham Company) shall be liable to account for and deliver up the same to the Banbury Company or to such persons as the Banbury Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers or persons had been appointed by and become possessed of such books deeds plans documents papers moneys or effects for the Banbury Company.

16. The costs and expenses reasonably incurred by the Bloxham Company in the preparation and completion of this agreement and of the stamping and denoting thereof and of the preparation and execution of any necessary assurances for vesting the undertaking in the Banbury Company (including stamp duty payable) shall be paid by the Banbury Company.

17. This agreement is subject to such alterations (if any) as Parliament may think fit to make herein or in the said Bill but if the said Bill fails to pass into law before the end of the year 1938 this agreement shall become void and of no effect except as regards clause 16 hereof and if any material alteration affecting the subject matter of this agreement shall be made by Parliament in the said Bill or in this agreement then either party hereto may by notice in writing to the other of them withdraw from the agreement except as aforesaid.

18. Any difference arising under this agreement between the Bloxham Company and the Banbury Company shall be referred to and determined by a counsel to be nominated by the President of the Law Society on the application of either party hereto and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to such reference and determination.

[1 EDW. 8. &
1 GEO. 6.]

Banbury [Ch. lxxxviii.]
Waterworks Act, 1937.

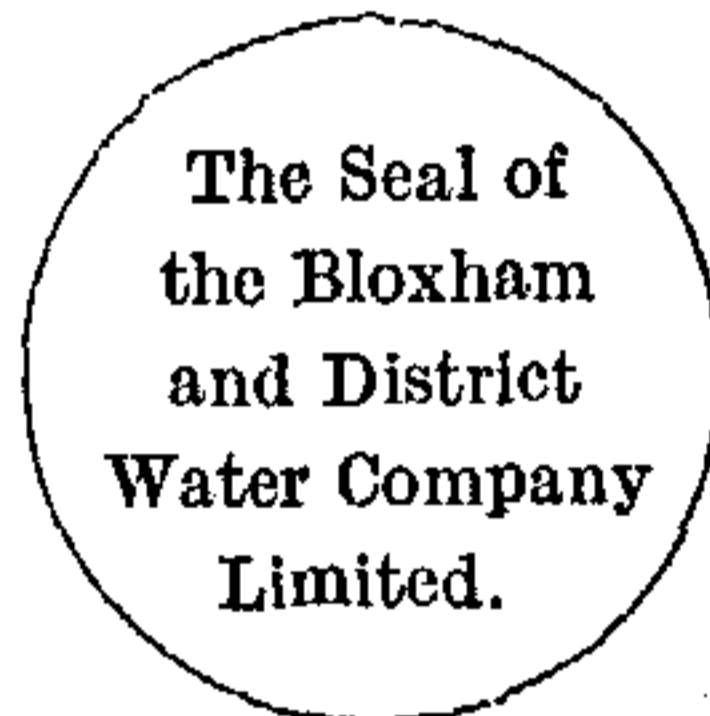
In witness whereof the parties hereto have caused their
respective common seals to be hereunto affixed the day and
year first above written. A.D. 1937.

E. LAMLEY FISHER
Chairman.

J. E. COMMIN
Secretary.



The common seal of the BLOXHAM and
DISTRICT WATER COMPANY LIMITED
was hereunto affixed in the presence
of—



W. BRIDGES
H. T. MANWARING
E. W. MESSER
Secretary.

} Directors.

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