



CHAPTER civ.

An Act to provide for the transfer to the East Surrey Water Company of the undertaking of the Leatherhead and District Waterworks Company to extend the area of supply of the East Surrey Water Company and authorise them to raise additional capital and for other purposes.

A.D. 1927.

[29th July 1927.]

WHEREAS by the Caterham Spring Water Company's Act 1862 the East Surrey Water Company (then called "the Caterham Spring Water Company" and hereinafter referred to as "the Company") were incorporated for the purpose of supplying with water certain places in the county of Surrey and the various Acts and Orders mentioned in the First Schedule to this Act have been passed in reference to the Company and the Company's area of supply has been extended:

And whereas the statement set out in the Second Schedule to this Act shows the total amounts of share and loan capital which the Company have been authorised by the said Acts and Orders to raise and the total amounts thereof which have been raised and the amounts remaining to be raised:

And whereas by the Leatherhead and District Waterworks Act 1883 the Leatherhead and District Waterworks Company (hereinafter referred to as "the Leatherhead Company") were incorporated and by that Act and by the Leatherhead and District Water Order

A.D. 1927. 1890 and the Leatherhead and District Water Order 1903 were authorised to construct a pumping station and other works in the parish of Fetcham in the rural district of Epsom and to supply water in an area which comprises the urban district of Leatherhead the parishes of Ashted Cobham Fetcham Great Bookham Little Bookham and Stoke D'Abernon in the rural district of Epsom and the parish of Mickleham in the rural district of Dorking and to exercise other powers :

And whereas the statement set out in the Third Schedule to this Act shows the total amounts of share and loan capital which the Leatherhead Company have been authorised by the said Act and Orders to raise and the total amounts thereof which have been raised and that the only amount unraised is two pounds eighteen shillings of share capital :

And whereas the areas of supply of the Company and the Leatherhead Company adjoin and the Company have agreed with the Leatherhead Company for the acquisition by the Company of the undertaking of the Leatherhead Company on the terms set forth in this Act and it is expedient that such acquisition be sanctioned as provided by this Act and that the limits of supply of the Company be extended to include the area of supply of the Leatherhead Company and the parish of Effingham in the said rural district of Dorking in which parish the Leatherhead Company are now supplying water :

And whereas it is expedient to authorise the Company to raise further capital and to confer further powers on the Company as in this Act contained and that the other provisions of this Act be enacted :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

1.—(1) This Act may be cited as the East Surrey Water Act 1927.

(2) The East Surrey Water Acts and Orders 1862 to 1921 and this Act may together be cited as the East Surrey Water Acts and Orders 1862 to 1927. A.D. 1927.

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

Incorporation of Acts.

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital;

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

The Lands Clauses Acts;

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the Waterworks Clauses Act 1847 “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner.”

3. 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 And—

Interpretation.

“The Company” means the East Surrey Water Company;

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

“The Act of 1862” means the Caterham Spring Water Company’s Act 1862;

“The Order of 1912” means the East Surrey Water Order 1912;

“The Act of 1921” means the East Surrey Water Act 1921;

“The existing Acts and Orders” means the East Surrey Water Acts and Orders 1862 to 1921;

“The existing limits” means the limits within which the Company may supply water under the existing Acts and Orders;

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- “The limits of supply” means the limits within which the Company are for the time being authorised to supply water;
- “East Surrey B shares” means ordinary shares in the capital of the Company of £10 each entitled to a maximum dividend of 7 per centum per annum;
- “East Surrey debenture stock” means East Surrey Water Company 4 per centum consolidated debenture stock;
- “The Leatherhead Company” means the Leatherhead and District Waterworks Company;
- “The Leatherhead Act 1883” means the Leatherhead and District Waterworks Act 1883;
- “The Leatherhead Act and Orders” means the Leatherhead Act 1883 the Leatherhead and District Water Order 1890 and the Leatherhead and District Water Order 1903;
- “The Leatherhead limits” means the limits within which the Leatherhead Company are by the Leatherhead Act and Orders authorised to supply water namely the urban district of Leatherhead the parishes of Ashted Cobham Fetcham Great Bookham Little Bookham and Stoke D’Abernon in the rural district of Epsom and the parish of Mickleham in the rural district of Dorking;
- “The Leatherhead undertaking” means the undertaking of the Leatherhead Company and includes (subject to the provisions of this Act) all wells boreholes pumping stations reservoirs mains pipes and other waterworks lands buildings goods chattels stocks and stores of all kinds moneys credits bills notes powers rights privileges and authorities and all other the real and personal property whatsoever and wheresoever of or belonging to or in any way attaching to or vested in the Leatherhead Company at the date of transfer including things in action and the full benefit of all contracts and agreements entered into by the Leatherhead Company which shall be subsisting at that date but subject (except as in this Act otherwise expressly

provided) to all debts liabilities and obligations of the Leatherhead Company which shall be subsisting at that date;

“Leatherhead 1883 shares” means shares in the capital of the Leatherhead Company of £10 each issued under the Leatherhead Act 1883 and entitled to a maximum dividend of 10 per centum per annum;

“Leatherhead 1890 shares” means shares in the capital of the Leatherhead Company of £10 each issued under the Leatherhead and District Water Order 1890 and entitled to a maximum dividend of 7 per centum per annum;

“Leatherhead 1903 shares” means shares in the capital of the Leatherhead Company of £10 each issued under the Leatherhead and District Water Order 1903 and entitled to a maximum dividend of 7 per centum per annum;

“Leatherhead shares” means Leatherhead 1883 shares Leatherhead 1890 shares and Leatherhead 1903 shares;

“Leatherhead 4 per centum debenture stock” means debenture stock issued by the Leatherhead Company entitled to interest at the rate of 4 per centum per annum;

“Leatherhead 5 per centum debenture stock” means debenture stock issued by the Leatherhead Company entitled to interest at the rate of 5 per centum per annum;

“Leatherhead debenture stock” means Leatherhead 4 per centum debenture stock and Leatherhead 5 per centum debenture stock;

“The date of transfer” means the thirtieth day of September nineteen hundred and twenty-seven.

TRANSFER OF LEATHERHEAD COMPANY'S UNDERTAKING.

4.—(1) As on and from the date of transfer the Leatherhead undertaking shall by virtue of this Act be transferred to and vested in the Company on and subject to the terms and conditions of this Act and shall form part of the undertaking of the Company.

(2) As on and from the date of transfer the Leatherhead Company shall be and are hereby dissolved.

Transfer to
Company of
Leather-
head under-
taking and
dissolution
of Leather-
head
Company.

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Considera-
tion for
transfer.

5.—(1) In consideration for the transfer to the Company of the Leatherhead undertaking the Company as soon as practicable after the date of transfer shall (subject to the provisions of subsection (3) of this section) issue and pay to the holders of Leatherhead shares and Leatherhead debenture stock East Surrey B shares and East Surrey debenture stock and sums of cash as follows :—

To each holder of Leatherhead 1883 shares two East Surrey B shares for each such Leatherhead share held by him ;

To each holder of Leatherhead 1890 shares one East Surrey B share and the sum of cash hereinafter in this section mentioned for each such Leatherhead share held by him ;

To each holder of Leatherhead 1903 shares one East Surrey B share and the sum of cash hereinafter in this section mentioned for each such Leatherhead share held by him ;

To each holder of Leatherhead 4 per centum debenture stock a nominal amount of East Surrey debenture stock equal to the nominal amount of such Leatherhead debenture stock held by him ;

To each holder of Leatherhead 5 per centum debenture stock one hundred and twenty-five pounds (nominal amount) East Surrey debenture stock for each one hundred pounds (nominal amount) of such Leatherhead debenture stock held by him and so in proportion for any less amount than one hundred pounds (nominal amount) of such Leatherhead debenture stock held by the holder.

(2) The sums of cash to be paid to the respective holders of Leatherhead 1890 shares and of Leatherhead 1903 shares under subsection (1) of this section shall be as follows :—

In respect of each of the Leatherhead 1890 shares numbered 1 to 100 (inclusive) the sum of one pound and nine shillings ;

In respect of each of the Leatherhead 1890 shares numbered 101 to 600 (inclusive) the sum of seventeen shillings ;

In respect of each of the Leatherhead 1890 shares numbered 601 to 900 (inclusive) the sum of eight shillings; A.D. 1927.

In respect of each of the Leatherhead 1890 shares numbered 901 to 1250 (inclusive) the sum of five shillings;

In respect of each of the Leatherhead 1903 shares the sum of five shillings.

(3) Any holder of Leatherhead debenture stock who under the provisions of subsection (1) of this section is entitled to receive an amount of East Surrey debenture stock which includes a fraction of £1 (nominal) shall at his option be entitled to require the Company either—

(a) to pay to him a sum in cash equal to the market value of such fraction of £1 of East Surrey debenture stock and issue to him the amount of East Surrey debenture stock to which he shall be entitled as aforesaid excluding the fractional part; or

(b) to issue to him the next higher integral number of pounds of East Surrey debenture stock on the holder paying to the Company in cash the market value of a nominal amount of East Surrey debenture stock equal to the difference between £1 nominal amount of such stock and the nominal amount of the fractional part thereof.

For the purpose of this subsection the market value of East Surrey debenture stock means the market value at the date of transfer as quoted on the London Stock Exchange.

6.—(1) On the date of transfer there shall be created by virtue of this Act and without any further or other authority (i) such number of East Surrey B shares and (ii) such nominal amount of East Surrey debenture stock as shall be requisite to give effect to the provisions of the immediately preceding section of this Act.

Creation of shares and debenture stock of Company for purposes of transfer.

(2) The Company shall as soon as practicable after the date of transfer register in their books the holders of Leatherhead shares and Leatherhead debenture stock as holders of the number of East Surrey B shares or the

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nominal amount of East Surrey debenture stock to which such holders respectively are entitled under the provisions of the immediately preceding section of this Act.

Rights of holders of substituted East Surrey B Shares.

7.—(1) The East Surrey B shares to be issued under the foregoing provisions of this Act to the holders of Leatherhead shares shall be deemed to be fully paid up and to rank in all respects *pari passu* with and to confer all the like rights of voting and otherwise and the like powers and privileges as are conferred by or attach to the East Surrey B shares existing at the date of transfer. The shares to be issued as aforesaid and the said existing shares shall be deemed for all purposes to form part of one and the same class of ordinary capital.

(2) The East Surrey B shares so to be issued shall be entitled to dividend as from the date of transfer and as from that date the Leatherhead shares shall cease to be entitled to dividend or to any arrears of dividend.

Ranking of substituted East Surrey debenture stock and interest thereon.

8.—(1) The East Surrey debenture stock to be issued under the foregoing provisions of this Act to the holders of Leatherhead debenture stock shall be deemed to be fully paid up and to rank (both as to principal and interest) in all respects *pari passu* with and to confer all the like rights powers and privileges as are conferred by or attach to the East Surrey Water Company 4 per centum consolidated debenture stock existing at the date of transfer. The debenture stock to be issued as aforesaid and the said existing debenture stock shall be deemed for all purposes to form part of one and the same class of debenture stock.

(2) The East Surrey debenture stock so to be issued shall carry interest at the rate of 4 per centum per annum as from the date of transfer and as from that day the Leatherhead debenture stock shall cease to carry interest.

(3) If the Leatherhead Company shall not have paid prior to the date of transfer interest on the Leatherhead debenture stock in respect of the three months preceding the date of transfer the Company shall within one month after the date of transfer pay to the persons who at that date are the holders of such debenture stock interest thereon for the said three months at the rate of four per centum per annum in respect of Leatherhead 4 per centum debenture stock and at the rate of five per centum per annum in respect of Leatherhead 5 per centum debenture stock.

9.—(1) The Company shall as soon as reasonably practicable after the date of transfer prepare separate accounts of the Leatherhead undertaking for the three months preceding the date of transfer in like manner as such accounts would have been prepared if this Act had not been passed and such accounts shall be audited by the auditors of the Leatherhead Company.

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Payment
of dividends
on Leather-
head shares
up to
date of
transfer.

(2) As soon as reasonably practicable after the said accounts have been audited the Company shall if and so far as the assets available for payment of dividend on the Leatherhead shares as shown by such accounts are sufficient for the purpose pay to the persons who at the date of transfer are holders of Leatherhead shares dividends on their shares in respect of the three months preceding the date of transfer at rates not exceeding ten per centum per annum in respect of the Leatherhead 1883 shares and seven per centum per annum in respect of the Leatherhead 1890 shares and of the Leatherhead 1903 shares.

10.—(1) The several persons who at the date of transfer appear in the registers of the Leatherhead Company as holders of Leatherhead shares or Leatherhead debenture stock of any class or the respective executors or administrators of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is "Transfers bequests &c. of Leatherhead securities although by present name to be valid" be deemed to be the holders of Leatherhead shares and Leatherhead debenture stock at the date of transfer of the respective numbers or amounts and class stated in those registers and on and after the date of transfer the registers of transfers of Leatherhead shares and Leatherhead debenture stock shall be permanently closed and (except as provided by the last-mentioned section of this Act) no transfer of any Leatherhead shares or Leatherhead debenture stock made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

Leatherhead
Company's
books to be
evidence as
to holders
of shares
and
debenture
stock.

(2) The issue by the Company of certificates for East Surrey B shares and of East Surrey debenture stock in accordance with the foregoing provisions of this Act to the persons who appear by the said registers to be the holders at the date of transfer of Leatherhead shares

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or Leatherhead debenture stock or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the said section of this Act of which the marginal note is "Transfers bequests &c. of Leatherhead securities although by present name to be valid" shall be a sufficient discharge to the Company for all purposes except in respect of any sums of cash payable to any holders of Leatherhead shares or Leatherhead debenture stock under the foregoing provisions of this Act.

(3) The receipt of any person who appears by the said registers to be the holder at the date of transfer of any Leatherhead shares or Leatherhead debenture stock or of the executors or administrators of any such person for any sum of cash payable to such holder under the foregoing provisions of this Act and the receipt of any person entitled to any sum of cash pursuant to the said section of this Act of which the marginal note is "Transfers bequests &c. of Leatherhead securities although by present name to be valid" for the sum of cash so payable to him shall be a sufficient discharge to the Company in respect of that sum of cash.

Substituted
East Surrey
securities
to be
held on
same trusts
&c. as
Leatherhead
securities.

11. The East Surrey B shares and the East Surrey debenture stock of which the holders of Leatherhead shares or Leatherhead debenture stock are pursuant to the foregoing provisions of this Act registered as the holders and the sums of cash to be paid by the Company to such holders pursuant to those provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the Leatherhead shares or Leatherhead debenture stock for which such East Surrey B shares or East Surrey debenture stock and sums of cash are respectively substituted were held immediately before the date of transfer and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such Leatherhead shares or Leatherhead debenture stock and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the East Surrey B shares or East Surrey

debenture stock of which they are pursuant to the foregoing provisions of this Act registered as the holders and any sums of cash paid to them under those provisions in substitution for the Leatherhead shares or Leatherhead debenture stock held by them and may (subject to the provisions of this Act) hold dispose of or otherwise deal with such shares or debenture stock and sums of cash in all respects as they might have held disposed of or otherwise dealt with the Leatherhead shares or Leatherhead debenture stock for which the same are substituted.

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12. The Company shall as soon as practicable after the date of transfer call in the certificates of Leatherhead shares and Leatherhead debenture stock and issue free of charge in exchange for those certificates to the respective holders thereof certificates of East Surrey B shares and East Surrey debenture stock of the respective numbers or amounts to which those holders under the foregoing provisions of this Act respectively are entitled but no such holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as those directors may require. Provided that from the date of transfer until the issue of such new certificates the holders of certificates of Leatherhead shares and Leatherhead debenture stock shall (according to the respective numbers of East Surrey B shares or respective amounts of East Surrey debenture stock created under the foregoing provisions of this Act in substitution for the Leatherhead shares or Leatherhead debenture stock which such certificates respectively represent) have and possess the same rights and advantages as if they were certificates for those respective numbers of East Surrey B shares or amounts of East Surrey debenture stock created as aforesaid but if any holder of Leatherhead shares or Leatherhead debenture stock neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of six months after notice in writing sent by post to the address appearing in the "address books" of the Leatherhead Company the Company may suspend the payment of any dividend declared or made

Existing
certificates
to be
called in
and others
issued.

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payable or interest due on or in respect of the East Surrey B shares or East Surrey debenture stock so substituted as aforesaid until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the said directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as those directors may require.

Transfer
of East
Surrey
securities
and
payment
of cash
into Court
in certain
cases.

13. Where the Company are for six months after the date of transfer unable after reasonable inquiry to ascertain the person entitled to any certificate of East Surrey B shares and East Surrey debenture stock or to any cash under the foregoing provisions of this Act or where any person entitled to any such certificate or cash cannot give an effectual receipt for the same the Company shall transfer such shares or stock and pay such cash to the Paymaster-General for and on behalf of the Supreme Court of Judicature in England under any Act in force for the relief of trustees and every such transfer and payment shall discharge the Company from all liability with respect to the East Surrey B shares and East Surrey debenture stock so transferred and the cash so paid and for the purposes of this Act the certificate relating to such shares or debenture stock and the cash respectively shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court that he is entitled thereto may obtain transfer of the East Surrey B shares or East Surrey debenture stock and payment of the cash accordingly.

If any East Surrey debenture stock to which the foregoing provisions of this section applies includes a fraction of one pound (nominal) the Company shall pay to the Paymaster-General as aforesaid a sum in cash equal to the market value at the date of transfer as quoted on the London Stock Exchange of such fraction of one pound of East Surrey debenture stock and shall transfer to the Paymaster-General as aforesaid the amount of any such East Surrey debenture stock excluding the fractional part.

Transfers
bequests
&c. of
Leather-

14.—(1) All transfers or other dispositions of any Leatherhead shares or Leatherhead debenture stock made but not registered prior to the issue or payment to

the holders thereof respectively of the certificates of East Surrey B shares and sums of cash or of the certificates of East Surrey debenture stock to which such holders are respectively entitled under the foregoing provisions of this Act shall notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of East Surrey B shares or respective amounts of East Surrey debenture stock and sums of cash (if any) which represent the Leatherhead shares or Leatherhead debenture stock thereby expressed to be transferred or disposed of and are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same as shares in or debenture stock of the Leatherhead Company.

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head securities although by present name to be valid.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number or nominal amount of Leatherhead shares or Leatherhead debenture stock respectively shall be held to apply to the number of East Surrey B shares or (subject to the provisions of subsection (3) of the section of this Act whereof the marginal note is "Consideration for transfer") the nominal amount of East Surrey debenture stock which under the provisions of this Act are to be issued in substitution for such specific number or nominal amount of Leatherhead shares or Leatherhead debenture stock.

15. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Leatherhead Company the same shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Company of the Leatherhead undertaking or of anything in this Act but the same may be continued prosecuted or enforced by against or in favour of the Company as and when it might have been continued prosecuted or enforced by against or in favour of the Leatherhead Company if this Act had not been passed but not further or otherwise.

Pending actions.

16. All contracts agreements conveyances deeds leases and other instruments affecting the Leatherhead Company and in force at the date of transfer shall as

Contracts to be binding.

A.D. 1927. from that date be read and construed and be as binding and of as full force and effect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Leatherhead Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof :

Provided that no contract or agreement (except contracts entered into in the ordinary course of business) and no conveyance deed or other instrument made or entered into by the Leatherhead Company subsequent to the fifth day of November nineteen hundred and twenty-six and extending beyond the date of transfer or involving the Company in any liability shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company.

Rents and charges to continue.

17. All rents rates and charges and other sums which at the date of transfer are due or payable or accruing due or payable to the Leatherhead Company shall continue in force and be due and payable to and may be collected recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the Leatherhead Company might have collected recovered and enforced the same and shall belong to the Company for their own benefit.

Books &c. to remain evidence.

18. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Leatherhead Company shall be admitted in evidence to the same extent in respect of the same or the like matter for or against the Company.

Officers of Leatherhead Company to be accountable for books &c.

19. All officers and persons who at the date of transfer have in their possession or under their control any books documents papers moneys or effects forming part of the Leatherhead undertaking 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 and persons had been appointed by and become possessed of such books documents papers moneys and effects for the Company.

20.—(1) Two of the directors of the Leatherhead Company in office immediately prior to the date of transfer (to be chosen by the directors of the Leatherhead Company at a meeting held for the purpose before the date of transfer) shall (subject to their being and remaining qualified in accordance with the Acts relating to the Company) as from the date of transfer become and be directors of the Company and thereupon the number of directors of the Company shall subject to the provisions of section 33 (Directors) of the Act of 1921 be eight.

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As to
directors
auditors
&c. of
Leather-
head
Company.

The said directors shall for the purpose of retirement by rotation be deemed to have been elected directors of the Company on the date of transfer.

(2) The third director of the Leatherhead Company holding office on the fifth day of November nineteen hundred and twenty-six shall if still holding office at the date of transfer retire from office as from that date and the Company shall within one month after the date of transfer pay to that director as compensation for loss of office a sum of money equivalent to six years' purchase of the gross annual amount before deduction of income tax of his remuneration as a director of the Leatherhead Company according to the rate of his remuneration as such director in force on the first day of October nineteen hundred and twenty-six.

(3) Each of the auditors of the Leatherhead Company holding office on the fifth day of November nineteen hundred and twenty-six and Walter Séry Nicholson the engineer of the Leatherhead Company shall if still holding office at the date of transfer retire from office as from that date (except that such auditors shall continue to hold office for the purpose of auditing the accounts of the Leatherhead Company in accordance with the provisions of the section of this Act of which the marginal note is "Payment of dividends on Leatherhead shares up to date of transfer") and the Company shall within one month after the date of transfer pay to each of them respectively as compensation for loss of office a sum equal to one year's remuneration of his office as such auditor or engineer according to the rate of his remuneration in force for the year ended the thirtieth day of June nineteen hundred and twenty-six.

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As to
officers and
servants of
Leather-
head
Company.

21.—(1) The Company shall subject as hereinafter provided take over and employ as on and from the date of transfer the officers and employees of the Leatherhead Company hereinafter mentioned if they shall respectively be in the employ of the Leatherhead Company at that date and willing to enter the service of the Company at rates of remuneration (subject to any adjustment rendered necessary by reason of the intervention of any wages board or trade union) equivalent to those which the said officers and employees were receiving from and otherwise on the same terms and conditions as those on which they were employed by the Leatherhead Company on the fifth day of November nineteen hundred and twenty-six or at such other rates of remuneration and on such other terms and conditions as may be agreed between the Company and such respective officers and employees.

The officers and employees hereinbefore referred to are—

John Young secretary.

Joseph James Cowan out-door superintendent.

Ernest Evelyn Moy chief pumping station engineer.

James Izzard chief fitter and mainlayer.

(2) The Company shall also take over and employ as on and from the date of transfer such two members of the joint clerical staff in the employ of the Leatherhead Company and the Leatherhead Gas and Lighting Company at that date as may be agreed between the Company and the Leatherhead Gas and Lighting Company and as shall be willing to enter the service of the Company and shall pay to them so long as they remain in the service of the Company salaries as from the date of transfer at rates not less than the amount of the total annual salaries which such persons were respectively receiving from the Leatherhead Company and the Leatherhead Gas and Lighting Company jointly at the date of transfer Subject as aforesaid the terms and conditions on which such two members of the said joint clerical staff shall be employed by the Company shall be the same terms and conditions as those on which they were respectively employed by the Leatherhead Company and the Leatherhead Gas and Lighting Company on the fifth day of November nineteen hundred and twenty-six or such other terms and

conditions as may be agreed between the Company and such respective persons. A.D. 1927.

(3) If any officer or employee named in subsection (1) of this section has been continuously employed by the Leatherhead Company for not less than fifteen years prior to the date of transfer and is in the employ of the Leatherhead Company at that date and does not desire to enter the service of the Company or if the services of any of the said officers or employees (including in that term the said two members of the said joint clerical staff taken over by the Company under subsection (2) hereof) is dispensed with (otherwise than on account of misconduct or incompetence) or if their respective salaries are reduced (except at the instance of any wages board or trade union) within five years after the date of transfer the Company shall pay to such officer or employee such compensation for pecuniary loss as may be agreed between the Company and such officer or employee or failing agreement as may be determined by a single arbitrator to be agreed between the Company and such officer or employee or appointed by the President of the Institute of Chartered Accountants on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any reference to arbitration under this subsection.

22. All moneys or securities standing to the credit of the renewal and contingency fund of the Leatherhead Company at the date of transfer shall be credited to and form part of the renewal and contingency fund of the Company. Renewal and contingency fund.

23.—(1) The provisions of the Leatherhead Act and Orders except the provisions of the Leatherhead Act 1883 which are set forth in the Fourth Schedule to this Act shall as from the date of transfer be by virtue of this Act repealed. Repeal of Leatherhead Act and Orders.

(2) The provisions of the Leatherhead Act 1883 which are set forth in the Fourth Schedule to this Act shall (notwithstanding anything in this Act) continue in force and apply to the Company as from the date of transfer and for that purpose shall be construed and have effect as if in those sections the expression "the Company" meant the East Surrey Water Company

A.D. 1927. — the expression "the Brighton Company" meant the Southern Railway Company the expression "the limits of this Act" meant the Leatherhead limits as defined in this Act the words "any lands for the time being belonging to the Company" were restricted to lands forming part of the Leatherhead undertaking and as if any other necessary modifications were made in those sections Provided that sections 26 and 41 of the Leatherhead Act 1883 as set forth in the said Fourth Schedule and modified as aforesaid shall continue in force only in the Leatherhead limits and shall not apply to any other part of the limits of supply Provided also that nothing in section 40 of the Leatherhead Act 1883 as set forth in the said schedule and modified as aforesaid shall deprive the local authority for any district or part of a district within the existing limits of the right to demand a supply of water for public purposes for use within those limits at the rate of one shilling and one penny per thousand gallons mentioned in paragraph (d) of section 14 (Rates at which water to be supplied) of the Act of 1921 or at such other rate as may for the time being be substituted for the last-mentioned rate by an order of the Minister of Health made under section 16 (Revision of rates) of the Act of 1921.

For protection of conservators of river Thames.

24. For the protection of the conservators of the river Thames (hereinafter in this section referred to as "the conservators") the following provisions shall unless otherwise agreed in writing between the conservators and the Company have effect (that is to say) :—

(1) The Company shall not (unless authorised so to do by some subsequent Act of Parliament or Order having the force of an Act) by means of the well and pumping station authorised by section 25 of the Leatherhead Act 1883 which is described in the Fourth Schedule to this Act or of any other well and pumping station to be constructed within the Leatherhead limits abstract within the Leatherhead limits in any year—

(a) during the period from the first day of January to the thirty-first day of August

(both inclusive) a total quantity of water in excess of an average of six million gallons per day of twenty-four hours; or

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—

(b) during the period from the first day of September to the thirty-first day of December (both inclusive) a total quantity of water in excess of an average of five million gallons per day of twenty-four hours:

- (2) The Company shall keep daily records of the quantity of water pumped at each such pumping station as aforesaid and such records shall be open to the inspection at all reasonable times of the engineer of the conservators who shall be entitled to take copies thereof free of charge.

25. For the benefit and protection of Edward Johnson Mizen Edward Ernest Mizen and Alfred Mizen trading as Mizen Brothers or other the owner or owners for the time being of the Fetcham Mill Pond (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say):—

For protection of
Mizen
Brothers.

- (1) If the water in the said Fetcham Mill Pond is at any time diminished by reason of any pumping operations of the Company at the pumping station authorised by section 25 of the Leatherhead Act 1883 which is set forth in the Fourth Schedule to this Act the Company shall pay to the owners compensation for the loss or damage (if any) which may be done by or arise from such diminution to any watercress beds of the owners situate in or on any waters in connection with the said Mill Pond:
- (2) Any difference between the owners and the Company under this section shall be referred to arbitration pursuant to the provisions of the Arbitration Act 1889 or any statutory modification thereof.

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EXTENSION OF LIMITS OF SUPPLY.

Extension
of limits of
supply.

26.—(1) As on and from the date of transfer the limits within which the Company may supply water and exercise the powers of the East Surrey Water Acts and Orders 1862 to 1927 shall be extended so as to include the Leatherhead limits and the parish of Effingham in the rural district of Dorking.

(2) Except as by this Act otherwise expressly provided the Company within the Leatherhead limits and the parish of Effingham shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits.

(3) The Company may continue maintain and use any mains pipes and other works laid down or constructed within the Leatherhead limits and the parish of Effingham by the Leatherhead Company before the date of transfer as if the same had been laid down or constructed by the Company under the powers of this Act and the provisions of the Waterworks Clauses Acts shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

Certain
provisions
of East
Surrey Acts
and Orders
not to
apply in
Leather-
head limits
and
Effingham.

27. Notwithstanding anything in this Act the following provisions of the existing Acts and Orders shall not during the period of twelve years from the date of transfer extend to or be in force within the Leatherhead limits or the parish of Effingham (that is to say):—

Act of 1862—

Section 25 (Water to be softened).

Order of 1912—

The unrepealed provisions of subsection (5) (Price of supply by meter and for building purposes) of section 9.

Act of 1921—

Paragraph (d) of section 14 (Rates at which water to be supplied).

But in lieu of the provisions of the said paragraph (d) of section 14 of the Act of 1921 the provisions of subsections (2) and (3) of section 40 of the Leatherhead Act 1883 as set forth in the Fourth Schedule to this Act shall during the said period of twelve years continue in force in the Leatherhead limits and extend to and be in force in the parish of Effingham.

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28.—(1) The rates to be charged by the Company for water supplied for domestic purposes in the Leatherhead limits and the parish of Effingham to any person entitled to demand a supply of water for such purposes shall not during the period of twelve years from the date of transfer exceed the rates set forth in the Fifth Schedule to this Act and shall not after the expiration of that period exceed the rates which the Company are for the time being authorised to demand for water supplied for those purposes in the existing limits except as may hereafter be otherwise provided by Act of Parliament or an Order having the force of an Act:

Rates for
water in
Leather-
head limits
and
Effingham.

Provided that after the coming into force in the Leatherhead limits of the first new valuation lists made under the Rating and Valuation Act 1925 the expression "gross estimated rental" in the said Fifth Schedule shall be construed as meaning "gross value" as defined in that Act.

(2) In the application to the Leatherhead limits and the parish of Effingham during the said period of twelve years of section 18 (Supply to houses partly used for trade &c.) of the Act of 1921 that section shall have effect as if the reference at the end of the section to section 14 of the Act of 1921 were a reference to the rates set forth in the Fifth Schedule to this Act.

(3) During the said period of twelve years the price to be charged by the Company for water supplied by meter in the Leatherhead limits and the parish of Effingham below the altitude of three hundred and fifty feet above ordnance datum for purposes other than those mentioned in subsection (2) of section 40 of the Leatherhead Act 1883 shall not exceed two shillings and threepence per thousand gallons.

(4) Notwithstanding anything in the foregoing provisions of this section the Company may in respect of water supplied for domestic purposes during the said

A.D. 1927. — period of twelve years to any premises in the Leatherhead limits and the parish of Effingham which are situated above the altitude of three hundred and fifty feet above ordnance datum and which could not be supplied with water by gravitation from either of the reservoirs of the Leatherhead Company respectively known as the Reigate Road reservoir and the Highlands Farm reservoir charge such rates as they think fit not exceeding—

(a) if the premises are supplied by the Company with water obtained from the pumping station authorised by section 25 of the Leatherhead Act 1883 (i) thirty-three and one-third per centum more than the rates set forth in the said Fifth Schedule to this Act if the premises so supplied are above the altitude of three hundred and fifty feet but not above the altitude of six hundred and fifty feet above ordnance datum and (ii) fifty per centum more than the said rates if the premises so supplied are above the altitude of six hundred and fifty feet;

(b) if the premises are supplied by the Company with water obtained from any other pumping station of the Company such rates as the Company are for the time being authorised to demand for water supplied for domestic purposes to premises situate at the same altitude but within the existing limits.

(5) Notwithstanding the foregoing provisions of this section the following provisions shall have effect:—

If and whenever during the said period of twelve years the rate charged by the Company for water supplied for domestic purposes within the existing limits is reduced otherwise than on account of any increase in the value of the hereditaments in those limits arising through the coming into force of the first new valuation lists made under the Rating and Valuation Act 1925 a proportionate reduction shall be made in the rates charged by the Company for water supplied for domestic purposes in the Leatherhead limits and the parish of Effingham and the references in subsections (2) and (4) of

this section to the rates set forth in the said Fifth Schedule shall be deemed to refer to such rates as so reduced.

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29. The Company shall before supplying outside the Leatherhead limits water obtained by means of the well and pumping station authorised by section 25 of the Leatherhead Act 1883 which is described in the Fourth Schedule to this Act or of any other well and pumping station to be constructed within the Leatherhead limits provide for the use of the inhabitants of the Leatherhead limits for the time being requiring and taking a supply of water from the Company in accordance with the provisions of section 35 of the Waterworks Clauses Act 1847 such a supply of water so obtained as may from time to time be lawfully required by such inhabitants for sanitary domestic and trade requirements.

Leatherhead limits to have priority of supply from works in such limits.

ADDITIONAL CAPITAL.

30. The Company may from time to time raise additional capital to such an amount as shall be sufficient to produce after taking into account premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof the sum of one hundred thousand pounds by the creation and issue of ordinary and preference shares and stock or wholly or partially by one or more of those modes Provided that the Company shall not under the powers of this section issue any share of less nominal value than one pound.

Additional capital.

31.—(1) The Company may at any time after the passing of this Act without obtaining a certificate of a justice of the peace under section 40 of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking in respect of the sum of five hundred and eighty thousand pounds raised by the issue of ordinary and preference shares under the powers of the existing Acts and Orders any sum or sums not exceeding in the whole (including any sums already borrowed by them in respect of such shares and for the time being outstanding) the total sum of two hundred and ninety thousand pounds.

Borrowing powers.

(2) The Company may also at any time after the date of transfer without obtaining a certificate of a justice

A.D. 1927. as aforesaid borrow on mortgage of the undertaking in respect of the East Surrey B shares issued under subsection (1) of section 5 (Consideration for transfer) of this Act to the holders of Leatherhead shares any sum or sums (inclusive of the nominal amount of East Surrey debenture stock issued to the holders of Leatherhead debenture stock under the said subsection) the total sum of forty-three thousand pounds.

(3) The Company may also borrow on mortgage of the undertaking in respect of the additional capital by this Act authorised to be raised any sum or sums not exceeding in the whole one-half of the amount actually received by the Company (including premiums) on any shares or stock forming part of such additional capital which at the time of borrowing has been issued under the powers of this Act but no sum shall be borrowed in respect of any such shares or stock until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the shares or stock with respect to which the borrowing powers are exercised and of the premium if any realised on the sale thereof has been fully paid up.

Debenture
stock.

32. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of subsection (1) of section 26 (Debenture stock) of the Act of 1921.

Any debenture stock created under this section need not form part of the East Surrey Water Company 4 per centum consolidated debenture stock and may bear such rate of interest as the Company may at the time of creation thereof determine.

Application
of sections
of Order of
1912 and
Act of 1921.

33. The following sections of the Order of 1912 and the Act of 1921 shall extend and apply to any share stock debenture stock or mortgages created issued or granted under the powers of this Act and to any moneys raised thereby as though the said sections with any necessary modifications were re-enacted in this Act (that is to say) :—

Order of 1912—

Section 17 (Incidents of new capital);

- Section 19 (Application of money); A.D. 1927.
 Section 22 (Restrictions as to votes in respect of preferential capital);
 Section 24 (Existing mortgages to have priority);
 Section 25 (Priority of mortgages over other debts);
 Section 27 (Receipt in case of person notsui juris).

Act of 1921—

- Section 21 (Limit of dividend);
 Section 24 (New shares or stock to be sold by auction or tender);
 Section 27 (Appointment of receiver);
 Section 29 (Issue of redeemable preference capital and debenture stock).

34. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by the existing Acts and Orders. Application of funds.

35.—(1) Any debenture stock of the Company of any class may be issued and be held in any integral number of pounds but not otherwise and the Company shall not be under any obligation to register a transfer of any such debenture stock which would make the holding of the transferor or transferee of debenture stock of that class other than an integral number of pounds. As to holdings of debenture stock.

(2) Notice of this enactment shall be stated on all certificates of debenture stock to be issued by the Company after the passing of this Act.

MISCELLANEOUS PROVISIONS.

36.—(1) The Company and any local authority company body or person authorised to supply water in any area adjoining the limits of supply may enter into and carry into effect agreements for the supply of water by the Company to any such authority company body 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— Contracts for supply of water in bulk outside limits.

(a) it shall not be lawful for the Company to supply water under this section if and so long as such

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supply would interfere with the supply of water for domestic or other purposes within the limits of supply; and

(b) nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

(2) The Company shall not under the provisions of subsection (1) of this section or under any other provisions of this Act or of the existing Acts and Orders enter into any agreement for the supply of water in bulk from any source in the administrative county of Surrey for use outside the area comprising that county and the county borough of Croydon as extended by any Act of Parliament passed in the present session except in such quantities for such period and otherwise upon such terms as the Surrey County Council shall approve as being in their opinion necessary to secure that the supply provided for by the agreement will not be likely to jeopardise the quantity of water available to meet the existing or prospective requirements for water of the inhabitants of the county. Provided that nothing in this subsection shall apply to the continuance by the Company of a supply of water in bulk to the East Grinstead Rural District Council or in bulk or otherwise to any houses or premises situate beyond the said county and to which at the commencement of the Order of 1912 the Company were affording a supply of water:

Provided also that any works executed within the said county for the purpose of affording any such supplies outside the said county shall be executed by and be and remain the property of the Company.

For protection of
Surrey
County
Council.

37. For the protection of the Surrey County Council (in this section referred to as "the council") the following provisions unless otherwise agreed in writing between the council and the Company shall have effect with respect to the exercise in or affecting any highway or bridge of any of the powers of the existing Acts and Orders and this Act and shall be in lieu of the provisions of sections 28 to 34 (inclusive) of the Waterworks Clauses Act 1847 as incorporated with those Acts and Orders or any of them so far as those provisions would apply to the

Company with respect to the exercise of those powers and to the highway in or affecting which the powers are exercised (that is to say):—

(1) In this section—

The words “bridge” and “highway” respectively mean a bridge or a highway (other than a bridge) vested in or repairable by the council and the word “bridge” includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

The word “apparatus” includes any main pipe or work;

The word “along” includes in on under across at the side of and attached to;

The word “surveyor” means the surveyor to the council;

The word “plan” where relating to a bridge includes such section or sections as the surveyor may reasonably require:

(2) (a) Before the Company commence to lay place repair renew or remove any apparatus along or from any highway or bridge they shall (except in the cases of repairing renewing or removing consumers’ service pipes or of emergency when notice shall be given as soon as possible) give to the council notice of their intention so to do not less than in the case of a bridge twenty-eight clear days and in all other cases fourteen clear days;

(b) The Company shall not (except in the case of consumers’ service pipes or of emergency) exercise their powers of laying placing renewing or removing any apparatus along or from any highway or bridge otherwise than according to a plan approved by the council or (failing such approval) determined by arbitration which plan shall be upon such scale and contain such details as the council may reasonably require and shall be delivered to the council by the Company Provided that unless within the period of twenty-eight clear days from such

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delivery of a plan relating to a bridge or fourteen clear days from such delivery of a plan relating to a highway the council intimate to the Company any objection to the plan they shall be deemed to have approved thereof Provided also that if as respects any highway or bridge the Company desire to avail themselves of the provisions as to payments to be made to them by the council contained in subsection (4) of this section they shall at the same time as they deliver to the council such plan give to the council notice of such their desire and if such last-mentioned notice be given all apparatus to be laid or placed along any highway or bridge shall be laid or placed in such position as the council may reasonably direct within the said period of twenty-eight clear days or fourteen clear days (as the case may be) and the surveyor shall be entitled to superintend the execution of the works for the purpose of ensuring compliance by the Company with such directions :

- (3) Nothing in the existing Acts and Orders and this Act shall authorise the Company to interfere with the structure of any bridge without the consent of the council which consent shall not be unreasonably withheld and may be given upon such conditions as the council may reasonably determine :
- (4) Nothing in the existing Acts and Orders and this Act shall interfere with the right of the council to alter the level of deviate widen reconstruct or improve any highway (each of which works is in this section referred to as a "highway alteration") or to remove alter rebuild widen or repair any bridge (each of which works is in this section referred to as a "bridge alteration") along which highway or bridge any apparatus has or shall have been laid or placed in the same manner as if the existing Acts and Orders and this Act had not been passed If for the purposes of or in connection with any such highway alteration or bridge alteration it shall be reasonably necessary to take up or alter

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the level or position of or divert any apparatus laid or placed along the highway or bridge the Company may and (if reasonably required by the council) shall either take up and relay or replace in the same or some other position or alter the level or position of or divert such apparatus in such manner and to such extent as may be agreed between the council and the Company or (failing such agreement) determined by arbitration or (where reasonably expedient) lay or place as may be agreed or determined as aforesaid new apparatus in lieu of the existing apparatus and the cost of such taking up replacement alteration or diversion or of the provision and laying or placing of such new apparatus—

(a) if the existing apparatus was laid or placed after the passing of this Act but not in pursuance of or in compliance with any directions given by the council under subsection (2) (b) of this section shall be borne and paid by the Company; and

(b) if the existing apparatus was laid or placed after the passing of this Act and also in pursuance of or in compliance with such directions as aforesaid or if the council shall have failed to give directions with respect to such apparatus pursuant to the said subsection (2) (b) or if the existing apparatus was laid or placed before the passing of this Act shall be borne by the council and be paid by them to the Company :

Provided that in all such cases as are mentioned in paragraph (b) of this subsection the council shall afford to the Company free of charge all reasonable facilities for temporarily carrying or accommodating the existing apparatus so as not to interrupt the continuous supply of water through the same and if in lieu of altering the level or position of or diverting the existing apparatus the Company shall lay or place in an altered or new position or at an altered level apparatus of greater dimensions than the existing apparatus or (on account of

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the worn or defective condition of the existing apparatus) substituted apparatus of not greater dimensions than but in lieu of the existing apparatus the amount (hereinafter referred to as "the gross amount") which would but for this proviso be payable by the council under the said paragraph (b) shall be reduced to an amount to be agreed between the council and the Company or (failing such agreement) determined by arbitration such amount being (i) in the case of apparatus of such greater dimensions as aforesaid a sum bearing to the gross amount the proportion which the dimensions of the existing apparatus bear to such greater dimensions or (ii) in the case of substituted apparatus a sum bearing to the gross amount the proportion which the effective life of the existing apparatus bears to that of the substituted apparatus :

Provided also that if on the completion of any highway alteration or bridge alteration it shall be agreed between the council and the Company or (failing such agreement) determined by arbitration that any apparatus originally laid or placed along the highway or bridge in pursuance of or in compliance with any directions given by the council under subsection (2) (b) of this section was so laid or placed at a depth below the surface of the highway or bridge greater than was reasonably sufficient in order to adapt the same to such highway alteration or bridge alteration the Company shall be entitled to raise or lower the level of the apparatus to such extent as may be agreed or determined as aforesaid and the council shall repay to the Company the cost reasonably incurred by them in so doing :

- (5) When any highway alteration or bridge alteration shall have been completed the Company shall have the same rights and powers with respect to the highway or bridge as they had with respect thereto before such alteration was carried out :
- (6) All works of the Company shall be so executed that so far as reasonably practicable the traffic

on any highway or over any bridge shall not be impeded or interfered with and the Company shall not break up at any one time a greater length of the roadway than shall be reasonably specified by the surveyor:

- (7) If at any time when the Company are about to lay any apparatus along any highway or bridge the council shall give notice to the Company requiring the Company so to do the Company shall in accordance with the reasonable directions and to the reasonable satisfaction of the surveyor after the apparatus has been laid restore so much of the highway or bridge as shall be broken up or damaged by the Company to the condition and strength in which it was immediately before such breaking up:
- (8) (a) Notwithstanding anything in the existing Acts and Orders and this Act the council may by notice given to the Company before the Company shall have completed laying any apparatus along any highway or bridge elect themselves to restore such portion of the highway or bridge as has been broken up or damaged by the Company and if the council give such notice they shall as soon as the apparatus shall have been laid along the highway or bridge by the Company restore the said portion of the highway or bridge to the condition and strength in which it was immediately before such breaking up and the Company shall repay to the council all expenses reasonably incurred by the council in making such restoration and shall not be under any obligation with regard to the restoration reinstatement or making good of the said portion of the highway or bridge;
- (b) If the council give to the Company any such notice as is referred to in paragraph (a) of this subsection the Company shall give to the council notice in writing of the completion of the laying of the apparatus for which the highway or bridge was broken up or damaged and the council shall indemnify the Company from and against all claims demands damages costs charges and expenses which may be made

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against or incurred by the Company in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or public holiday) from the receipt by the council of any notice so given by the Company and by reason or in consequence of the highway or bridge not having been so restored as aforesaid :

- (9) The Company shall make good or bear the cost of making good any subsidence of any highway or of the roadway or footway on any bridge which may arise at any time within three months from the completion of any restoration by the Company or the council of such highway or bridge under subsections (7) or (8) of this section except when the restoration shall have been made by the council and the subsidence shall result from or be contributed to by any negligence on the part of the council or their contractors servants workmen or agents in connection with the restoration (in which excepted case the subsidence shall be made good by the council at their own expense) but the Company shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of such period of three months :
- (10) The Company shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or the surveyor of the execution by the Company of any of the works referred to in this section :
- (11) Any consent approval notice intimation requirement or direction to be given by the council under this section shall be given in writing under the hand of the clerk to the council or the surveyor :
- (12) Any matter required by this section to be determined by arbitration and any difference which may arise between the council and the Company under this section shall be referred

to and determined by an arbitrator or other tribunal to be agreed upon between them or failing agreement to be appointed or nominated on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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38.—(1) Section 52 (For protection of Surrey County Council) of the Act of 1921 shall cease to apply to or for the protection of the Surrey County Council but shall continue to apply to and for the protection of the several councils mentioned in section 53 (For protection of local authorities) of that Act and shall extend to and apply for the protection of the Leatherhead Urban District Council.

For protection of road authorities.

(2) For the purposes of the application of the said section 52 within the Leatherhead limits and the parish of Effingham the words "the existing Acts and Orders" in subsection (6) of that section shall be deemed to mean the Leatherhead Act and Orders.

39. 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 stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Substitution of card index for shareholders' address book.

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

As to authentication of registers.

41. Section 49 (Recovery of penalties) of the Act of 1921 shall have effect as if the words "or any subsequent Act or Order relating to the Company" were inserted therein after the words "this Act" in each place where the last-named words occur.

Amendment of section 49 of Act of 1921.

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Amend-
ment of sec-
tion 50 of
Act of 1921.

42. Section 50 (Recovery of demands) of the Act of 1921 shall have effect as if the words "or any subsequent Act or Order relating to the Company" were inserted therein after the words "the existing Acts and Orders."

Repeal.

43. The following provisions of the existing Acts and Orders are hereby repealed:—

Act of 1862—

Section 23 Traffic on the Surrey and Sussex roads not to be stopped during works.

Section 24 As to payment for damage done to the Surrey and Sussex roads.

Order of 1912—

Section 28 For protection of Surrey County Council.

Costs of
Act.

44. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

ACTS AND ORDERS RELATING TO THE COMPANY.

- The Caterham Spring Water Company's Act 1862.
- The Caterham Spring Water Order 1873.
- The Caterham Spring Water Company's Act 1881.
- The East Surrey Water Act 1885.
- The East Surrey Water Order 1894.
- The East Surrey Water Act 1896.
- The East Surrey Water Order 1900.
- The East Surrey Water Order 1912.
- The East Surrey Water Act 1921.

SECOND SCHEDULE.

STATEMENT OF SHARE AND LOAN CAPITAL OF EAST SURREY WATER COMPANY.

(A) SHARE CAPITAL (SHARES AND STOCK).

Act or Order.	Description of Capital.	Maximum dividend authorised.	Total paid up.		Total amounts authorised.
			Nominal.	Premium.	
Act of 1862 -	Ordinary "A" shares.	Per cent. 10	£ 28,000	£ —	£ 28,000
Act of 1885 - Order of 1894 - Act of 1896 - Order of 1900 - Order of 1912 - Act of 1921 -	Ordinary "B" shares.	7	374,400	127,600	552,000
Order of 1873 -					
Act of 1881 - Act of 1885 - Act of 1896 -	Preference shares.	5	50,000	—	75,000
	Pre-preference stock.	4	75,000	—	
			£527,400	127,600	£655,000
			£655,000		

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(B) LOAN CAPITAL.

Act or Order.	Description.	Rate of Interest.	Total amount borrowed.		Re- main- ing to be borrowed.	Total amounts autho- rised.
			Nominal.	Pre- mium.		
		Per cent.	£	£	£	£
Act of 1862 - Order of 1873 Act of 1881 - Act of 1885 - Order of 1894 Act of 1896 - Order of 1900	Consoli- dated deben- ture stock.	4	92,700	10,068	5,732	108,500
Order of 1912 Act of 1921 s. 25 (2).		5	60,000	—	—	160,000
Act of 1921 s. 25 (1).	Redeem- able deben- ture stock.	6	100,000	—	—	
	Redeem- able deben- ture stock.		£252,700	£10,068	£5,732	£268,500
			£262,768			

THIRD SCHEDULE.

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STATEMENT OF SHARE AND LOAN CAPITAL OF LEATHERHEAD AND DISTRICT WATERWORKS COMPANY.

(A) SHARE CAPITAL.

Act or Order.	Description of Capital.	Maximum dividends authorised.	Total paid up.			Total amounts authorised.			
			Nominal.	Premium.					
		Per cent.	£	£	s.	d.	£	s.	d.
Act of 1883	Ordinary shares.	10	25,000	—			25,000	0	0
Order of 1890	Ordinary shares.	7	12,500	6,573	3	0	19,073	3	0
Order of 1903 s. 6.		7	23,930	8,067	2	0	32,000	0	0
Order of 1903 s. 7.				£61,430	£14,640	5	0	£76,073	3
			£76,070 5 0						

(B) LOAN CAPITAL.

Act or Order.	Description.	Rate of Interest.	Total amount borrowed. Nominal.	Total amounts authorised.
		Per cent.	£	£
Act of 1883	Debenture stock.	4	6,250	6,250
Order of 1890	Debenture stock.	4	3,125	3,125
Order of 1903	Debenture stock.	4	4,000	8,000
Order of 1903	Debenture stock.	5	4,000	
			£17,375	£17,375

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FOURTH SCHEDULE.

SECTIONS OF LEATHERHEAD AND DISTRICT WATERWORKS
ACT 1883 SAVED FROM REPEAL.Interpreta-
tion clause.

3. In this Act the expressions "the works" "the waterworks" and "the undertaking" mean respectively the waterworks and the undertaking by this Act authorised.

Power to
make
waterworks
and to take
lands &c.

25. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks hereinafter described with all proper embankments filtering beds dams sluices cuts channels adits levels weirs stanks pipes wells pumps tanks engines buildings machinery and other works and conveniences connected therewith or as may be necessary for carrying into effect the purposes of this Act and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The waterworks hereinbefore referred to and authorised by this Act are—

- (1) A well and pumping station with pumping engines engine and boiler house and all other necessary works buildings and conveniences situate in the parish of Fetcham on land belonging or reputed to belong to the London Brighton and South Coast Railway Company bounded on the north by the River Mole and on the west by the road leading from the Leatherhead Railway Station to the village of Fetcham and numbered 172 on the 1·2500 Ordnance Map of the parish of Fetcham and immediately adjoining the iron girder bridge carrying the said road over the River Mole;
- (2) A conduit or line of pipes commencing in the said parish of Fetcham in from or out of the said well and pumping station and thence proceeding into and terminating in the parish of Leatherhead in the Reservoir No. 3 hereinafter described and at or near the point on the Highland Park estate hereinafter described;
- (3) A service reservoir or tank to be situated in the parish of Leatherhead in a field forming part of the Highland Park estate belonging or reputed to belong to Mrs. Caroline Frances Davis and in the occupation of James Jewell and bounded on the north-east side by the Reigatebush Road and on the north-west side by the

road leading from the said Reigatebush Road to Flint House which house is in the occupation of Thomas Pavitt at a point in such field 150 feet or thereabouts south-west of the said Reigatebush Road and 200 feet south-east of the said road leading from Reigatebush Road to Flint House aforesaid.

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26. For the protection of the London Brighton and South Coast Railway Company (herein referred to as "the Brighton Company") the following provisions shall have effect (namely)—

Protection
of Brighton
Company.

- (1) All works of the Company crossing or affecting the railway of the Brighton Company under which term are included the stations sidings works conveniences and approaches connected with that railway shall if the Brighton Company so elect be executed by them at the expense of the Company under the superintendence and to the satisfaction of the engineer of the Brighton Company and according to plans and specifications to be previously submitted to the said engineer and such works shall be at all times maintained at the option of the Brighton Company either by that Company or by the Company in either case at the sole expense of the Company;
- (2) If any difference shall arise between the engineer of the Brighton Company and the engineer of the Company concerning the said plans or specifications or concerning the execution of the said works every such difference shall be settled by an umpire to be appointed by the two engineers or if they cannot agree upon an umpire then by an umpire to be appointed by the Board of Trade on the application of either party;
- (3) The said works shall be so constructed and maintained that the traffic upon the railway of the Brighton Company shall not be in anywise impeded and if by the neglect or default of the Company or from any other cause the said work shall fall into such condition as to damage or injure the said railway or to endanger the traffic on or impede or interfere with the use of the said railway the Brighton Company may repair or remove the said works and may from time to time recover on demand from the Company all reasonable costs and expenses from time to time incurred by the Brighton Company in or about such repair or removal;
- (4) If by reason of the construction or maintenance of the said works the traffic upon the railway of the Brighton Company shall be impeded the Company shall pay to the Brighton Company by way of liquidated damages in

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addition to the costs and expenses hereinbefore mentioned ten pounds for every hour during which such traffic shall be impeded;

- (5) The Company shall also indemnify the Brighton Company for any damages or compensation which may be recovered against them by reason of any interruption of the traffic on their railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company;
- (6) The Company shall not otherwise than by agreement with the Brighton Company acquire any right title or interest other than an easement in perpetuity only in and upon any works land and property of the Brighton Company which may be necessary for constructing and maintaining the said conduit or line of pipes by this Act authorised to be laid;
- (7) The amount to be paid for the acquisition of any easement upon or under any railway of the Brighton Company as hereinbefore provided shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of land otherwise than by agreement and any difference which may arise between the Brighton Company and the Company with respect to any matter arising out of these provisions shall be settled in like manner:

Provided always that subject to the stipulations before mentioned nothing herein contained shall prevent the Company from laying mains and pipes along any public street road highway or bridge crossing the railway of the Brighton Company:

Power to
take waters.

30. The Company may intercept take collect and divert into the waterworks and therein impound and thence distribute the waters of any underground springs and streams or other water that can or may be intercepted by the said well and pumping station or the works connected therewith or that may be in or under any lands for the time being belonging to the Company.

Supply of
water
beyond
limits
and for
sanitary
purposes.

40. With respect to the supply of water by the Company to places beyond the limits of this Act and for sanitary purposes within and beyond those limits the following provisions shall have effect:—

- (1) The Company may from time to time on terms agreed on with the local authority supply water in bulk to such local authority for the domestic or other purposes of any district immediately adjoining the limits of this Act;

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- (2) The Company shall subject to the provisions of this Act if and whenever required by the sanitary or other local authority of any place within the limits of this Act supply water in bulk to such authority for flushing sewers and drains watering roads and other public or sanitary purposes of such place ;
- (3) All water supplied to any sanitary or local authority under this section shall be taken by means of a pipe from such part of the Company's mains as may be most convenient and may be approved by the Company with a proper meter for ascertaining the quantity which may be taken The size form materials and construction of such pipe and meter shall be such as may be approved by the Company and the meter shall be fixed and regulated and the junction with the mains shall be made and repaired from time to time by the Company The reasonable expense from time to time of providing laying repairing and renewing the meter and of making or repairing the junctions shall be repaid to the Company by the authority The authority shall pay to the Company for all water taken the rates for the time being charged to the largest consumers of water by meter within the limits of this Act but not exceeding the rate of eighteen pence per one thousand gallons ;
- (4) No water shall be supplied under this section so as to prejudice a full supply to the inhabitants within the limits of this Act ;
- (5) Nothing in this section shall prejudice any existing parliamentary powers or any application by any other company or sanitary authority for parliamentary powers to supply with water any district place or township adjoining the limits of this Act and if such powers exist or be granted the Company shall if required by such other company or sanitary authority sell to them all the mains pipes and other works of the Company within such district place or township at a price to be fixed in default of agreement by arbitration at the cost of the purchasing company or authority under the provisions of the Lands Clauses Acts.

41. If any difference arise between the Company and any railway canal or other company or body whose lands or works the Company have power to cross as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Difference
with railway
and other
companies.

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FIFTH SCHEDULE.

RATES FOR DOMESTIC PURPOSES IN LEATHERHEAD
LIMITS AND EFFINGHAM.

Where the gross estimated rental of a house or part of a house—		A rate not exceeding per annum and so in proportion for any shorter period—	
	£	s.	d.
Does not exceed	5	8	8
„	6	10	0
„	7	11	4
„	8	12	0
„	9	12	8
„	10	13	0
„	11	14	0
„	12	15	0
„	13	16	0
„	14	17	0
„	15	18	0
Exceeds £15 but does not exceed £100.		£6 per centum on such gross estimated rental.	
Exceeds £100 but does not exceed £150.		£5 10s. per centum on such gross estimated rental.	
Exceeds £150.		£5 per centum on such gross estimated rental.	
All inns and hotels whether public or private where the gross estimated rental exceeds £50.		£7 10s. per centum on such gross estimated rental.	

NOTE.—The gross estimated rental shall be ascertained from the valuation list in force at the time in the district in which the dwelling-house in respect of which the water rate is made is situate and if there should be no such valuation list then by the last rate for the relief of the poor made in respect of such dwelling-house.

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