



CHAPTER xvii.

An Act to empower the East Worcestershire Waterworks Company to construct further works and to raise additional capital to confer additional powers upon the Company and for other purposes. [7th August 1941.]

WHEREAS by the East Worcestershire Water Act 1877 the East Worcestershire Waterworks Company (hereinafter referred to as "the Company") were incorporated and were authorised to supply water within the limits therein described:

40 & 41 Vict.
c. clxiv.

And whereas further powers in relation to their undertaking were conferred upon the Company by subsequent Acts and Orders and in pursuance thereof the Company are now supplying water within certain parishes and places in the counties of Worcester and Warwick:

And whereas it is expedient that for the purposes inter alia of meeting the urgent requirements of war industries the supplies of water at present available to the Company should be increased and that the Company should be empowered to make and maintain the new works in this Act mentioned:

And whereas a statement of the authorised share and loan capital of the Company is set forth in the schedule to this Act and it is expedient that the Company should be empowered to raise further moneys for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained:

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

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 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 administrative county of Worcester and those plans sections and book of reference are in this Act respectively referred to as 'the deposited plans sections and book of reference':

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the East Worcestershire Water Act 1941 and the East Worcestershire Water Acts and Orders 1877 to 1934 and this Act may be cited together as the East Worcestershire Water Acts and Orders 1877 to 1941.

Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Works.
- Part III.—Lands.
- Part IV.—Supply of water.
- Part V.—Service pipes.
- Part VI.—Finance.
- Part VII.—Protective provisions.
- Part VIII.—Administrative and miscellaneous.

Incorporation of
general
Acts.

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

23 & 24 Vict.
c. 106.

- (a) The Lands Clauses Acts except section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 Provided always that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the President of the Chartered Surveyors Institution on the application of either party;

- (b) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) except the provisions thereof which limit the rate of dividend on preference capital and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts; .PART I.
—cont.
8 & 9 Vict.
c. 16.
- (c) The Waterworks Clauses Act 1847 except the words “with the consent in writing of the owner or “reputed owner of any such house or of the agent “of such owner” in section 44; 26 & 27 Vict.
c. 118.
- (d) The Waterworks Clauses Act 1863; 10 & 11 Vict.
c. 17.
- (e) 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 in such provisions for the purposes of this Act “the railway” means the pumping stations and service reservoir by this Act authorised and so much of any line or lines of pipes by this Act authorised as will not be constructed in a highway and “the centre of the railway” means the centre lines of so much of any line or lines of pipes as aforesaid. 26 & 27 Vict. c. 93.
- (2) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands shall not apply to any land which is now vested in the Company or is hereafter acquired by them. 8 & 9 Vict.
c. 18.
4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—
- “The Company” means the East Worcestershire Waterworks Company;
- “The undertaking” means the undertaking of the Company as from time to time authorised;
- “The limits of supply” means the limits within which the Company are from time to time authorised to supply water;
- “The directors” means the directors of the Company;
- “The Act of 1934” means the East Worcestershire Water Act 1934; 24 & 25 Geo. 5.
c. xviii.
- “Share capital” includes stock not being debenture stock;

Inter-
pretation.

PART I.
—cont.

“ House ” means a dwelling-house whether a private dwelling-house or not and includes any part of a building if that part is occupied as a separate dwelling-house;

“ Street ” means—

(a) any road square court alley highway lane footpath thoroughfare or passage; or

(b) any place laid out for any such purpose; (whether the same be or be not dedicated to public use);

“ Owner ” means the person for the time being receiving the rack rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if those premises were let at a rack rent; and

“ The Minister ” means the Minister of Health.

PART II.

WORKS.

Power to
construct
water-
works.

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

Work No. 1 Boreholes and pumping station (to be called the “ Brockhill pumping station ”) in the parish of Tutnall and Cobley in the rural district of Bromsgrove in the enclosures numbered in that parish 304 305 and 306 on the 1/2500 Ordnance map Worcestershire eastern division sheet XVI.14 (edition 1884);

Work No. 2 A line or lines of pipes commencing by a junction with an existing main of the Company at Broad Green in the said parish of Tutnall and Cobley and terminating in the urban district of Redditch in the service reservoir (Work No. 3) hereinafter described;

Work No. 3 A service reservoir at Headless Cross in the urban district of Redditch adjacent to the existing reservoirs of the Company;

Work No. 4 Boreholes and pumping station (to be called the “ Wildmoor pumping station ”) in the

urban district of Bromsgrove in the enclosures numbered in that urban district 258 260 and 286 on the 1/2500 Ordnance map Worcestershire sheet XV.8 (2nd edition 1902);

PART II.
—cont.

Work No. 5 Boreholes and pumping station (to be called the "Long Eye pumping station") in the urban district of Bromsgrove in the enclosures numbered in that urban district 1546 1547 and 1575 on the 1/2500 Ordnance map Worcestershire sheet XVI.9 (2nd edition 1904).

6. In addition to the works by this Act authorised the Company may upon in or under any lands delineated on the deposited plans make and maintain all such other wells shafts boreholes headings adits conduits pipes culverts overflows works for the treatment of water buildings machinery electric lines works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them 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 works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Limits of
deviation.

Provided that no part of the line or lines of pipes by this Act authorised shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections—

except for the purpose of crossing over a river stream canal dyke watercourse or railway; or

except for the purpose of crossing over any lands in cases where the consent of the owners of and of all other persons interested in such lands is obtained to the line or lines of pipes or any part or parts thereof being raised above the surface of the ground.

8. Subject to the provisions of this Act the works by this Act authorised shall for all purposes form part of and be comprised in the undertaking.

Works to form
part of under-
taking.

PART II.

—cont.

Period for
completion of
works.

9. If the Works Nos. 1 to 3 (inclusive) authorised by this Act are not completed on or before the first day of October one thousand nine hundred and forty-six or five years after the termination of the present war whichever is the later or if the Works Nos. 4 and 5 authorised by this Act are not completed on or before the first day of October one thousand nine hundred and fifty-one or ten years after the termination of the present war whichever is the later then as from those dates respectively the powers by this Act granted for the making of the said works or otherwise in relation thereto 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 such works and in the case of the line or lines of pipes lay down additional lines of pipes as and when occasion may require.

Applica-
tion of
Water-
works
Clauses
Act 1847
to discharge
pipes &c.

10. 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 and maintenance in any streets within the limits of supply of the lines of pipes by this Act authorised and of any pipes for the discharge of water electric lines and apparatus for the transmission of electricity which the Company may and which they are hereby authorised to construct or lay down for the purposes of the undertaking:

51 & 52 Vict.
c. 12.

Provided that any such electric lines shall be subject to the provisions of section 4 of the Electric Lighting Act 1888:

Provided also 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 in through across or under any street or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

Power to
take waters.

11. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of any of the works by this Act authorised.

Temporary
stoppage
of streets.

12.—(1) The Company during and for the purpose of the execution of any works forming part of the undertaking may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide

going to or from any house or building in the street from passing along and using the same.

PART II.
—cont.

(2) The Company shall provide reasonable access for foot passengers bona fide going to or from any such house or building.

(3) The powers of this section shall not be exercised in reference to a trunk road without the consent of the Minister of War Transport.

(4) The Company shall not under the powers of this section temporarily stop up any street in an urban district except with the consent of the Council of that district but such consent shall not be unreasonably withheld and any question whether any such consent has been unreasonably withheld shall be determined by arbitration.

(5) The Company shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic bona fide to or from any railway station or depot in the neighbourhood of the street.

13.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying examining testing using or operating any works forming part of the undertaking or any plant for the treatment of water the Company may cause the water in any such work or plant to be discharged into any available stream brook canal or feeder:

Discharge
of water
into
streams.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish and shall be discharged in such manner as not to cause the flooding of or injury to any highway.

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

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways or works of any railway company.

14.—(1) The Company may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prohibit or regulate the doing of any act specified in the byelaws within the area or areas in which the byelaws are in force.

Byelaws
for
preventing
pollution
of water.

PART II.
—cont.

(2) Byelaws made under this section shall be in force within the area or areas defined in the byelaws.

(3) The Company may require either the owner or the occupier of any premises within the area or areas in which the byelaws are in force to construct and keep in good repair such drains sewers cesspools and other works as they deem necessary for preventing pollution of their water and if he fails to comply with any such requirement he shall be liable on summary conviction to the same penalties as if he had committed an act prohibited by the byelaws:

Provided that an owner or occupier who considers that a requirement made on him under this subsection is unreasonable may within twenty-eight days after service on him of the requirement appeal to the Minister and the Minister if he thinks fit may refer the appeal to be determined by arbitration or may himself modify or disallow the requirement.

23 & 24 Geo. 5.
c. 51.

(4) All byelaws made under this section shall be subject to the provisions contained in subsections (2) (3) (4) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk of the local authority. The confirming authority for the purposes of the said section 250 shall be the Minister.

(5) In addition to complying with the said requirements of section 250 of the Local Government Act 1933 the Company shall—

(a) send at least one month before application is made to the Minister for confirmation of byelaws made under this section a copy of the byelaws to the council of every county the local authority of every district and the catchment board of any catchment area any part of which is within the limits to be defined in the byelaws;

(b) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation;

(c) exhibit during the said month in some conspicuous place in each borough urban district and rural parish any part of which is situate within the said limits a copy of the notice referred to in subsection (3) of section 250 of the said Act of 1933;

(d) at the request of any owner or occupier of land within the said limits furnish to him free of charge

a copy of the byelaws before confirmation and a statement of the effect of this section and at the request of any other person interested furnish to him a copy of the said byelaws upon payment of a sum not exceeding one shilling.

PART II.
—cont.

(6) The Company shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by subsection (3) of this section or by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local authority of the district in which such lands are situate otherwise than upon payment of compensation and such first-mentioned compensation shall be settled in default of agreement by arbitration and for the purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Act 1936 or under their byelaws but have decided not to do so having regard to the character or situation of the land.

26 Geo. 5. &
1 Edw. 8.
c. 49.

15.—(1) (a) It shall not be lawful without the express authority of Parliament for the owner or occupier of any land which is situate within a radius of two miles from the centre of the protected works to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for taking or intercepting underground water except with the consent in writing of the Company unless the water to be abstracted from such well or other work is required by such owner or occupier solely for domestic or agricultural purposes on premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or for the purposes which are referred to in paragraph (i) of the definition of "agricultural purposes" which is contained in subsection (3) of this section the premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first-mentioned owner or occupier at the passing of this Act nor except with the like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any such consent the Company may attach thereto such conditions as they may think fit.

For
protection
of Company's
wells.

(b) Any such owner or occupier who is aggrieved by any refusal of the Company to give such consent as aforesaid or by any conditions attached by the Company to any such

PART II.
—cont.

consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representations made by the Company either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Company to give such consent subject to such conditions (if any) as the Minister may specify and the Company shall comply with any such direction.

(2) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Company to supply to him such quantity of water (if any) as he may require for use on such land for purposes other than domestic or agricultural purposes and subject to the provisions of this section the Company shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water to the land of such owner or occupier:

Provided that—

(a) the Company shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply or the rate at which the same is taken or required to be given would be likely to interfere with the sufficiency of the supply by the Company of water for domestic purposes within the limits of supply but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Company of water for domestic purposes within the limits of supply the Company shall give to the owner or occupier to whom the supply is being afforded not less than twelve months' notice of their intention so to do and shall repay to such owner or occupier—

(i) any sum deposited with the Company by way of security in pursuance of proviso (e) to this subsection less any sum which may be owing by such owner or occupier to the Company;

(ii) such portion (if any) of any sum recovered by the Company in pursuance of proviso (d) to this subsection as may be agreed between the Company and such owner or occupier or (failing agreement) determined by arbitration to be fair under all the circumstances;

(b) the Company shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required

to be given would be likely to interfere with any supply of water for other than domestic purposes which was being given by the Company at the date of the notice in writing given by such owner or occupier;

- (c) the Company shall not be obliged to give such supply to any owner or occupier if the quantity of water required to be so supplied would either alone or if added to the quantity of water required by other owners and occupiers under the provisions of this section exceed the available yield of the protected works as then constructed by the Company;
- (d) the cost incurred by the Company in and in connection with the construction of any works necessary for conveying the water to the land of any owner or occupier shall—
- (i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Company; and
 - (ii) (if such internal diameter exceeds three inches) be repaid to the Company by such owner or occupier and before commencing the construction of any such works the Company may require such owner or occupier to give to the Company security for the payment to them of the amount of such cost;
- (e) any owner or occupier supplied with water by the Company under the provisions of this section shall pay such price as failing agreement may be determined by arbitration for each thousand gallons so required which the Company are under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall be subject to such terms and conditions in regard to such supply as failing agreement may be determined as aforesaid including terms as to the security to be given to the Company for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply;
- (f) the price to be determined as aforesaid shall not be less than sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the amounts hereinafter in this proviso mentioned as the quantity required to be supplied bears to the available yield of the protected works as then constructed by the Company.

PART II.
—cont.

The amounts hereinbefore referred to are—

(i) the amount of the expenses of and in connection with the working management and maintenance of the protected works and of any other works used for the treatment or storage of water supplied from the protected works or for conveying the water to the land of the owner or occupier and all other costs charges and expenses properly chargeable to revenue in respect of the protected works and other works as aforesaid; and

(ii) the amount required to give a reasonable return on the money expended in and in connection with the construction of the protected works and other works as aforesaid and the protection thereof and of the water which can or may be intercepted and taken by means thereof against pollution nuisance encroachment or injury and the ensuring of the purity of the said water;

(g) for the purpose of giving any supply under the provisions of this section the Company may supply water beyond the limits of supply and carry out all such works within or beyond those limits as may be necessary and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to any necessary modification apply in relation to the laying down and placing of pipes and other works for affording any supply under the provisions of this section;

(h) except as otherwise expressly provided by this section any question arising under this section between the Company and any owner or occupier shall be determined by arbitration;

(i) the Company shall not be under any liability for failure to supply water under the provisions of this section if such failure be due to frost drought or any other unavoidable cause or any accident.

(3) For the purposes of this section—

(a) “protected works” means respectively—

(i) the Brockhill pumping station the Wildmoor pumping station and the Long Eye pumping station;

(ii) the existing Burcot and Washingstocks pumping stations of the Company;

(b) "centre of the protected works" means in relation to the Brockhill pumping station the Wildmoor pumping station and the Long Eye pumping station prior to construction the sites thereof;

(c) "domestic purposes" includes all purposes incidental to the occupation of a dwelling-house and any garden park or grounds occupied in connection therewith;

(d) "agricultural purposes" includes—

(i) all purposes for which water is ordinarily used by an owner or occupier of lands in the carrying on of agricultural dairying and market gardening operations on such lands; and

(ii) industrial or manufacturing purposes with reference to the produce of lands which are situate within the radius referred to in subsection (1) of this section.

16.—(1) In this section—

"the authorised work" means the Brockhill pumping station the Wildmoor pumping station and the Long Eye pumping station as the case may be;

For
protection
of local
sources of
supply.

"protected source" means any well pond spring or stream which is situate within a radius of two miles from the centre of the authorised work and is used at the passing of this Act as an effective source of supply;

"owner" includes lessee or occupier.

(2) If at any time after the completion of the authorised work it shall be proved by the owner of any protected source (in this section referred to as "the proving owner") that the pumping by the Company at that work has caused a diminution or cesser of the supply of water in such protected source the Company shall upon the written request of the proving owner afford or procure to be afforded to him a supply of water equal to the amount of such diminution or the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost to the proving owner of obtaining his full supply shall be the same after as before the construction of the authorised work and upon such other terms as may be agreed or failing agreement may be determined by arbitration.

(3) Notwithstanding anything in this section—

(a) the Company shall not be under any obligation to afford or procure to be afforded a supply of water for domestic purposes under this section in respect

PART II.
—cont.—

of any protected source the water from which is so polluted as to be or to be likely to be injurious or dangerous to health;

(b) the Company shall not be liable in respect of any claim made by the proving owner under this section if such owner shall have failed to afford to the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the protected source in respect of which the claim is made and facilities for ascertaining particulars thereof and the level of the water therein;

(c) the Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost drought or other unavoidable cause or any accident.

(4) All mains pipes meters and fittings required for the purpose of supplying water to any proving owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company and the proving owner shall afford to the Company all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any proving owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Company.

(5) The Company may if they think fit in lieu of affording or procuring to be afforded a supply of water equal to the diminution of the supply or cesser of supply in any such protected source deepen such protected source or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the proving owner shall without making any charge therefor give to the Company access and every facility for carrying out such deepening borings or headings.

(6) The Company may if they think fit in lieu of affording or procuring to be afforded a supply of water equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such proving owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be determined in case of difference by arbitration.

(7) For the purpose of affording a supply of water under this section the Company may supply water beyond the limits

of supply and carry out all such works within or beyond such limits as may be necessary for that purpose.

PART II.
—cont.

(8) Any question which may arise between the Company and any proving owner as to the quantity time place or manner of the supply to be afforded or procured to be afforded by the Company in pursuance of this section and any other question dispute or difference which may arise between the Company and the proving owner under the foregoing provisions of this section shall be determined by arbitration.

(9) The Company and the proving owner may enter into and fulfil agreements with reference to the supply of water by the Company to such owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.

PART III.

LANDS.

17. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or otherwise for the purposes of the undertaking.

Power to
acquire
lands.

18.—(1) The Company may in lieu of acquiring any lands for the purposes of the works by this Act authorised or otherwise for the purposes of the undertaking acquire such easements and rights in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition
of ease-
ments
com-
pulsorily.

(2) As regards any lands in respect of which the Company have acquired easements or rights 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 unless otherwise agreed the owners or occupiers for the time being shall subject to such easements and rights have the same rights of using and cultivating such lands at all times as if this Act had not been passed.

PART III.

—cont.

Period for
compulsory
purchase
of lands.Correction of
errors in
deposited
plans and
book of
reference.

19. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and forty-one.

20. If there is 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 appears to the justices that the omission or 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 if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the council of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or a 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 the certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

Extinction
of private
rights of
way.

21. All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Company be extinguished:

Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to
enter
property
for survey
and
valuation.

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

deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

PART III.
—cont.

23. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator to whom any question of disputed compensation 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 first day of April one thousand nine hundred and forty-one if in the opinion of such arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

24.—(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:

Power to hold lands and exercise 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 or held 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.

(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 any foul waters arising or flowing upon such lands or necessary or proper for preventing any waters which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid with the consent of the highway authority concerned which may be given subject to such conditions as the authority think fit carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

The Company shall not exercise the powers of this subsection in respect of any street or road belonging to or repairable by a railway company without the previous consent of

PART III.
—cont.

that company but such consent shall not be unreasonably withheld and any question as to whether or not such consent is unreasonably withheld shall be determined by arbitration.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands 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 any waters which the Company are from time to time empowered to take.

Purchase of
lands by
agreement.

25. In addition to any other lands acquired or held by the Company or which the Company are now authorised to acquire or hold they may by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking any lands not exceeding in the whole fifty acres but the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incidental to or connected with the purposes of the undertaking.

Persons
under
disability
may grant
easements.

26. 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation
of water
rights &c.

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

Saving for
planning
schemes &c.

28. Nothing in section 24 (Power to hold lands and exercise powers for protection of waters) or in section 25 (Purchase of lands by agreement) of this Act shall authorise the

development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of access to or from any road or as to the submission of plans and specifications or the giving of notices to any authority or in contravention of any provision contained in a scheme made under the Town Planning Act 1925 or the Town and Country Planning Act 1932 or any enactment repealed by either of those Acts.

PART III.
—cont.

15 & 16 Geo.
5. c. 16.
22 & 23 Geo.
5. c. 48.

PART IV.

SUPPLY OF WATER.

29. For the purpose of conveying water from one part of the limits of supply to another part thereof the Company may exercise as regards any street outside the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if such street were within the limits of supply but nothing in this section shall authorise the Company to supply water beyond such limits.

Power to
lay
connecting
mains.

30.—(1) Notwithstanding the incorporation with any Act or Order relating to the Company of section 29 of the Waterworks Clauses Act 1847 that section shall not apply to the Company in relation to any street within the limits of supply which has been laid out and formed but not dedicated to public use.

Power to
lay pipes
&c. in
certain
private
streets.

(2) (a) If with respect to any such street the Company exercise the powers of section 28 of the said Act of 1847 otherwise than pursuant to section 11 (Power to lay pipes in streets not dedicated to public use) of the Act of 1934 the Company shall make full compensation to any person who has sustained damage by reason of the exercise by the Company with respect to that street of any of those powers in relation to a matter as to which the person has not himself been in default.

(b) Any dispute arising under this subsection as to the fact of damage or as to the amount of compensation shall be determined by arbitration.

(c) Where an owner of land claims compensation under paragraph (a) of this subsection in respect of damage sustained by reason of the Company having laid a water main or pipe in any land belonging to him and forming the site of any such street the arbitrator determining the amount of the compensation shall determine also by what amount (if any) the value to the claimant of any land belonging to

PART IV.
—cont.

him has been enhanced by the laying of the water main or pipe and the Company shall be entitled to set off that amount against the amount of any compensation awarded.

(3) The Company shall not exercise the powers of this section in respect of any street for the time being belonging to and forming the approach to any station or depot of any railway company without the consent of such company which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

Meters &c.
to measure
water or
detect
waste.

31. 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 the Company may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways (but as near as reasonably practicable to the boundary of the street) the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily break up and interfere with streets sewers rails pipes wires and apparatus:

Provided that—

41 & 42 Vict.
c. 76.

(a) the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;

45 & 46 Vict.
c. 56.

(b) the Company shall not interfere with any electric lines or works of the Central Electricity Board except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882;

(c) the Company shall not exercise the powers of this section in respect of any street sewer rail pipe wire or apparatus belonging to or maintainable by a railway company without the consent of such company which consent shall not be unreasonably withheld or so as unreasonably to interfere with or render less convenient the access to or exit from any station or depot of such railway company Any question as to whether in any case such consent is unreasonably withheld shall be determined by arbitration.

As to
supplies
from trunk
mains.

32.—(1) Notwithstanding anything in any enactment relating to the Company no person shall be entitled to demand a supply of water from a trunk main belonging to the Company.

(2) In this section the expression "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits or for the purpose of giving a supply of water in bulk to other undertakers.

33.—(1) The Company in lieu of charging a water rate may agree with any person requiring a supply of water for domestic purposes to furnish the supply whether by measure or otherwise on such terms and conditions as may be agreed.

Power to make agreed charges for domestic supply.

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

34. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by measure and paid for accordingly.

Supplies to swimming baths and bathing pools.

35.—(1) Where a supply of water to any premises is or is to be used for domestic and other purposes the Company may give such supply by measure on such terms and conditions (including minimum charge) as may be agreed with the occupier of such premises.

As to supplies for domestic and other purposes.

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

36.—(1) Notwithstanding anything in any enactment a person shall not be entitled to demand or continue to receive a supply of water from the Company for the purposes only of a stand-by supply for any premises (whether for the whole or any part of the requirements of such person at such premises) to which the Company are not bound to supply water otherwise than by measure and which have a separate supply of water unless he has agreed with the Company to pay to them such annual sum in addition to any charge for water supplied as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises.

Supply of water where consumer has separate supply.

(2) Any question arising under this section —

(a) as to whether a supply of water is demanded or received for the purposes only of a stand-by supply; or

PART IV.
—cont.

- (b) as to whether any premises have a separate supply of water; or
- (c) as to the amount of the said annual sum to be specified in the agreement;

shall in default of agreement be determined by arbitration.

37.—(1) The Company may require that—

- (a) any building the supply of water to which need not be constantly laid on under pressure; and
- (b) any house the erection of which was not commenced before the passing of this Act and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being or is to be furnished by them;

shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and in the case of such a house as is mentioned in paragraph (b) of this subsection may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

(2) If a consumer whom the Company have in accordance with the foregoing provisions required to provide a cistern fails to comply with the requirement or if a consumer fails to keep in good repair any cistern in use in his building or the ball and stop-cock appurtenant to that cistern the Company may themselves provide a cistern or execute any repairs necessary to prevent waste of water and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building but without prejudice to the rights and obligations as between themselves of the owner and the consumer.

38. Notwithstanding anything in the Waterworks Clauses Act 1847 the rates leviable by the Company shall if the Company so determine be paid half-yearly one quarter in arrear and one quarter in advance.

39. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Company shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year.

40. The Company may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of water rates and charges not exceeding in any case five per centum:

Power to require provision of cisterns in certain cases.

Rates leviable half-yearly.

As to quarterly dates for payment of water rate.

Discount for prompt payment of water rates.

Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers:

PART IV.
—cont.

Provided also that if and so long as the Company allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

41.—(1) Where under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of any water rate payable to the Company have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate levied pursuant to section 2 of the said Act of 1925.

Adjustment
of water
rate where
annual
value is
altered.
15 & 16 Geo. 5.
c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered as if it were arrears of the water rate.

42.—(1) If the Company are of opinion that by reason of drought or other cause the water supply of the Company should be conserved the Company may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purpose and such prohibition shall continue until withdrawn.

Power to
prohibit
use of
hose-pipe
tempor-
arily.

(2) The Company shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for each day on which such failure occurs after conviction therefor.

(4) The Company shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited as aforesaid if such prohibition is complied with in relation to such hose or moveable pipe and where any consumer has paid to the Company the charge for the use of any such hose or moveable pipe during the year or part of a year which includes the said period and complies with the said

PART IV.
—cont.Entry on
premises
for
authorised
cutting off.

prohibition in relation to such hose or moveable pipe the Company shall repay to the consumer the proportion of such charge which is attributable to that period.

43. Where in any case the Company are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman or duly authorised agent of the Company may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof at his last known place of abode or address enter the premises between the hours of nine in the forenoon and one hour after sunset or at any other time with the authority in writing of a justice for the purpose of cutting off any pipe by which the water is supplied to the premises. If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Recovery
of rates
from
persons
removing.

44. If a justice is satisfied on complaint by any collector of the Company duly authorised that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate or charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

Recovery
of expense
of cutting
off supplies
in certain
cases.

45.—(1) In any case in which in consequence of any default (other than neglect to pay the water rate) on the part of any person to whom or for whose use the Company supply water the Company cut off any of the pipes by or through which water is supplied by them to or for the use of such person the reasonable charges of the Company for such cutting off shall be recoverable by the Company as the water rates in respect of the premises for the supply to which such pipes were laid are recoverable.

(2) The powers conferred by this section shall be in addition to and not in derogation of the rights and remedies of the Company under section 74 of the Waterworks Clauses Act 1847.

PART V.

SERVICE PIPES.

Commence-
ment of
Part V.

46. This Part of this Act shall come into force on and not until the first day of January or the first day of July next following the termination of the present war whichever shall be the later.

47. In this Part of this Act unless the subject or context otherwise requires—

PART V.
—cont.
Definitions
for
Part V.

“ the appointed day ” means the first day of January or the first day of July next following the termination of the present war whichever shall be the later;

“ main ” means a pipe laid by the Company for the purpose of giving a general supply of water as distinct from a supply to individual premises and includes any apparatus used in connection with such a pipe;

“ service pipe ” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap;

“ supply pipe ” means so much of any service pipe as is not a communication pipe;

“ communication pipe ” means—

(a) where the premises supplied with water abut on the part of the street in which the main is laid and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stop-cock placed in those premises and as near to the boundary of that street as is reasonably practicable so much of the service pipe as lies between the main and that stop-cock;

(b) in any other case so much of the service pipe as lies between the main and the boundary of that part of the street in which the main is laid; and includes the ferrule at the junction of the service pipe with the main and also—

(i) where the communication pipe ends at a stop-cock that stop-cock; and

(ii) any stop-cock fitted on the communication pipe between the end thereof and the main;

“ outer wall ” in relation to a building abutting on a street does not include the outer wall of a cellar or other structure belonging to that building but situate beneath the street.

48.—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Company shall by virtue of this Part of this Act become transferred to the Company without payment therefor and as from the appointed day all communication pipes whether laid before or after the appointed day shall vest in the Company and the Company shall at their own expense

Transfer
and
vesting of
communi-
cation
pipes &c.

PART V:
—cont.

carry out any necessary works of maintenance repair or renewal of such pipes and any work on their mains incidental thereto.

(2) The Company shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a highway and may make reasonable charges for so doing and may recover the amount of such charges summarily as a civil debt from the owner of the premises supplied by the pipe but without prejudice to the rights and obligations as between themselves of the owner, and the occupier of the premises.

(3) If the Company fail to carry out any such necessary work with all reasonable dispatch after service upon them of complaint of a defect from an owner or occupier of premises affected they shall unless such failure is due to unavoidable cause or any accident be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues.

Laying of
supply
pipes &c.

49. On and after the appointed day an owner or occupier of any premises within the limits of supply who desires to have a supply of water for domestic purposes from the Company shall subject to the provisions of this Part of this Act comply with the following requirements:—

- (a) he shall give to the Company fourteen days' notice of his intention to lay the necessary supply pipe and at or before the time of giving such notice shall pay or tender to them such sum as may be payable in advance by way of water rate in respect of the premises;
- (b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street the consent of the owners and occupiers thereof; and
- (c) the bore of the supply pipe shall not exceed half an inch except with the consent of the Company and the strength and material of such pipe shall comply with the requirements of any byelaws or regulations of the Company with respect to those matters:

Provided that where any part of the supply pipe is to be laid in a highway he shall not himself break open the highway or lay that part of the pipe.

Laying of
communica-
tion
pipes &c.

50.—(1) Upon receipt of such a notice as is referred to in the last preceding section the Company shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipe:

Provided that where any part of the supply pipe is to be laid in a highway they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

(2) If the Company fail to carry out the said work within fourteen days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last preceding section they shall unless such failure is due to unavoidable cause or any accident be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said fourteen days.

(3) The Company may make reasonable charges for executing the work which they are required or authorised by this section to execute and the amount of such charges shall be repaid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt:

Provided that if under the provisions of this section the Company lay a main in lieu of part of a supply pipe the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

(4) Notwithstanding anything in the foregoing provisions of this section the Company may within three days after the receipt of such a notice as aforesaid require the person giving the notice either to pay to them in advance their reasonable charges for executing the work or to give security for payment thereof to their satisfaction and where they make such a requirement the period of fourteen days referred to in subsection (2) of this section shall not commence to run until the requirement has been complied with.

51.—(1) Subject to the provisions of this section the Company may require the provision of a separate service pipe for each house supplied or to be supplied by them with water.

Power to
require
separate
service
pipes.

(2) If in the case of a house already supplied with water but not having a separate service pipe the Company give notice to the owner of the house requiring the provision of such a pipe the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway and the Company shall within fourteen days after he has done so lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

PART V.
—cont.

(3) If an owner upon whom a notice has been served under subsection (2) of this section fails to comply therewith the Company may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Company in executing the work which they are required by subsection (2) of this section to execute or which they are empowered by subsection (3) of this section to execute shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house.

(5) If the Company make default in executing the work which they are required by subsection (2) of this section to execute they shall unless such failure is due to unavoidable cause or any accident be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said fourteen days.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof the Company shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to the provisions of subsection (6) of this section where on the appointed day two or more houses were being supplied with water by a single service pipe the Company shall not require the provision of separate service pipes for those houses until either—

- (a) the existing supply pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses; or
- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are by structural alterations to one or more of them converted into a larger number of houses.

Power to
break open
streets
forming
boundary
of limits
of supply.

52. Where any premises which are within the limits of supply abut on or are situate near to any street which is as to the whole or a part of its width outside those limits the Company may for the purpose of supplying water to the owner or occupier of those premises exercise with respect to the whole width of the street the like powers of laying inspecting repairing altering renewing and removing service pipes with any

necessary stop-cocks and fittings and of breaking open the street for that purpose as are exerciseable by them with respect to streets within the said limits subject however to the like conditions and obligations.

53.—(1) On every service pipe laid after the appointed day the Company shall and on every service pipe laid before that date the Company may fit a stop-cock enclosed in a covered box or pit of such size as may be reasonably necessary.

As to
position
&c. of
stop-cocks.

(2) Every stop-cock fitted on a service pipe after the appointed day shall be placed in such position as the Company deem most convenient:

Provided that—

(a) a stop-cock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable; and

(b) a stop-cock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

54. On and after the appointed day the provisions of this Part of this Act shall have effect in substitution for the provisions of sections 44 to 47 of the Waterworks Clauses Act 1847 with respect to the communication pipes to be laid by the undertakers and of sections 48 to 52 of that Act with respect to the communication pipes to be laid by the inhabitants and as from that date the said sections shall cease to apply within the limits of supply.

Certain
provisions of
Waterworks
Clauses
Act 1847
to cease to
apply.

55.—(1) On the appointed day the following enactments shall become and are hereby repealed:—

Repeal and
amendment
of provisions
relating to
communi-
cation
pipes.

East Worcestershire Water Act 1877—

Section 65 (Company not bound to supply several houses by one pipe):

Act of 1934—

Section 29 (Stop-cocks etc. to be fitted in communication pipes);

Section 30 (Amendment of section 65 of Act of 1877);

Section 31 (Company to connect communication and service pipes with mains).

(2) On and after the appointed day section 28 (Maintenance of common pipe) and section 32 (Power to Company to repair communication pipes) of the Act of 1934 shall have effect as if the expression "common pipe" in the said section 28 and "communication pipe" in the said section 32 meant a supply pipe as defined in this Part of this Act.

PART V.
—cont.

(3) On and after the appointed day section 19 of the Waterworks Clauses Act 1863 which prohibits the extension or alteration of pipes without the consent of the undertakers shall in its application to the Company have effect as if the expression "communication or service pipe" meant a supply pipe as defined in this Part of this Act.

PART VI.

FINANCE.

Additional
capital.

56. The Company may from time to time raise by the creation and issue of new ordinary shares or stock or new preference shares or stock or partly by one and partly by the other of those modes additional capital to such nominal amount as shall be sufficient to produce after taking into account any premiums or discounts which may be obtained or allowed on the issue thereof and allowing for the expenses of such issue the sum of one hundred thousand pounds.

Special
provision
for benefit
of small
investors.

57. Notwithstanding anything in any Act or Order relating to the Company the directors may reserve a proportion not exceeding one-fourth of each future issue of share capital of the Company for exclusive offer in the first instance to consumers of water supplied by the Company or employees of the Company at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe:

Provided that every allotment of share capital under this section shall be at a price not less than the reserve price at which the like class of share capital of the same issue shall be offered under the provisions of section 47 (Sale of shares or stock by auction or tender) of the Act of 1934.

Dividends on
additional
capital.

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

Power to
borrow.

59.—(1) The Company may without the certificate of a justice borrow on mortgage of the undertaking in respect of their ordinary and preference shares or stock issued 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 section) eighty thousand five hundred and eighty-one pounds or may create and issue debenture stock to any nominal amount not exceeding the said sum of eighty thousand five hundred and eighty-one pounds.

(2) The Company may also (a) borrow on mortgage of the undertaking in respect of any ordinary and preference shares or stock issued by them after the passing of this Act any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such ordinary and preference shares or stock but no sum shall be borrowed in respect of such shares or stock (other than capital raised by the issue of share capital allotted under the provisions of section 57 (Special provision for benefit of small investors) of this Act) 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 shares or stock together with the premiums (if any) realised or after allowing for discounts (if any) given on the issue thereof has been fully paid up or (b) create and issue debenture stock to any nominal amount not exceeding fifty per centum of the amount which at the time of such issue has been so raised as aforesaid.

(3) In any case where a power to raise money by borrowing or to create reserve or other funds is made proportionate to the paid up or nominal capital the premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid up or nominal capital.

60.—(1) Any debenture stock created and issued by the Company under this Act shall be created and issued subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained—

Debenture
stock.

32 & 33 Vict.
c. 48.

(a) all debenture stock (other than redeemable debenture stock) created and issued by the Company under this or any former or subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the securities or the Acts of Parliament or resolutions by which the stock was authorised;

(b) the interest on all debenture stock whether redeemable or otherwise and whether existing at or created and issued after the passing of this Act under this or any subsequent Act and the interest on all mortgages

PART VI.
—cont.

shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and the mortgages were authorised) and subject as mentioned in section 61 (Priority of mortgages and debenture stock over other debts) of this Act have priority over all principal moneys secured by such debenture stock and mortgages.

(2) Notice of the effect of this enactment shall be endorsed on all certificates of debenture stock issued after the passing of this Act and so far as applicable thereto on all mortgages granted after that date and the requirement as to notice contained in section 27 (Debenture stock) of the East Worcestershire Water Act 1902 and in section 51 (Debenture stock) of the Act of 1934 shall cease to have effect.

2 Edw. 8.
c. clv.

Priority of
mortgages
and
debenture
stock over
other debts.

61. All moneys raised or 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 in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works of the Company or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Purchase
of debenture
stock by
agreement.

62.—(1) The Company may at any time purchase by agreement any debenture stock of the Company at a price not exceeding the market value thereof and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

(2) Any debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished by the Company and the amount of any debenture stock so cancelled shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to re-borrowing by the Company shall apply accordingly.

63.—(1) All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

PART VI.
—cont.
Application
of money.

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

64. Section 33 (Appointment of receiver) of the East Worcestershire Water Act 1902 shall extend to mortgagees of the Company in respect of mortgages granted under this Act.

Appoint-
ment of
receiver.

65.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise money (a) on temporary loans by means of overdrafts from bankers or otherwise or (b) by the issue of notes or bonds of a currency of not less than five years and of not more than ten years.

Company
may incur
temporary
loans.

(2) Nothing in this section shall affect any powers for the time being of the Company to borrow on mortgage of the undertaking or to raise money by the issue of debenture stock.

(3) The total amount of moneys borrowed by the Company under the provisions of this section and outstanding at any time shall not exceed one-tenth of the amount of ordinary and preference capital of the Company for the time being authorised.

66.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this Act.

Saving for
emergency
powers of
Treasury.

(2) Section 113 of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this Act as if this Act had been passed on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs.

54 & 55 Vict.
c. 39.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940.

2 & 3 Geo. 6.
c. 62.
3 & 4 Geo. 6.
c. 20.

PART VII.

PROTECTIVE PROVISIONS.

For
protection
of Postmaster-
General.
62 & 63 Vict.
c. 19.

67. All provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines and apparatus for the transmission of electricity authorised by this Act and in the application of those provisions the Company shall be deemed to be undertakers and this Act shall be deemed to be a special Act.

For protection
of Birmingham
Corpora-
tion.

68. For the protection of the lord mayor aldermen and citizens of the city of Birmingham (in this section referred to as "the corporation") the following provisions notwithstanding anything contained in this Act shall unless otherwise agreed in writing between the Company and the corporation apply and have effect with reference to the exercise of the powers of this Act:—

- (1) No byelaws made by the Company in pursuance of section 14 (Byelaws for preventing pollution of water) of this Act shall except with the consent of the corporation be in force within the city of Birmingham or any part thereof:
- (2) The Company shall not exercise any of the powers of this Act within the limits for the supply of water of the corporation except with the consent of the corporation such consent not to be unreasonably withheld and upon such reasonable terms and conditions as the corporation may require and any difference which may arise between the corporation and the Company as to whether or not such consent is unreasonably withheld or as to the reasonableness or otherwise of any such term or condition shall be determined by arbitration:
- (3) The Company shall not be entitled or required in consequence of the exercise of the powers of section 52 (Power to break open streets forming boundary of limits of supply) of this Act to supply water to the owner or occupier of any premises abutting on any street broken up under the said powers and being within the limits of supply of the corporation.

For
protection
of Redditch
Urban

69. For the protection of the Redditch Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing

between the Company and the council apply and have effect with reference to the exercise of the powers of this Act:—

PART VII.

—cont.

District
Council.

- (1) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not compulsorily enter upon take or use under the powers of this Act any of the lands belonging to the council in the urban district of Redditch numbered 15 on the deposited plans:
- (2) Except in the case of the laying of any electric lines works and apparatus in the same trench in which a water main is being laid by the Company the provisions of sections 14 16 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the making and maintenance in the urban district of Redditch of any electric lines works and apparatus authorised by section 6 (Subsidiary works) of this Act:
- (3) No byelaws made by the Company in pursuance of section 14 (Byelaws for preventing pollution of water) of this Act shall except with the consent of the council be in force within the urban district of Redditch or any part thereof:
- (4) The provisions of section 41 of the Town and Country Planning Act 1932 shall not apply in relation to—

any offices or dwellings for employees erected purchased taken on lease let or maintained by the Company under the powers of section 25 (Purchase of lands by agreement) of this Act where any part of such offices or dwellings is situate within a distance of two hundred and twenty feet from the middle of any road (as defined in the Restriction of Ribbon Development Act 1935);

25 & 26 Geo. 5.
c. 47.

or in relation to—

(a) so much of any lands purchased taken on lease or otherwise acquired by the Company under the powers of the said section of this Act (being lands upon which it is intended at any time to erect offices or dwellings); or

(b) so much of any lands purchased taken on lease or otherwise acquired by the Company under the powers of the said section of this Act when such lands have been leased to any person; as is situate within the said distance of the middle of any such road:

PART VII.
—cont.

- (5) Before any prohibition comes into force under section 42 (Power to prohibit use of hose-pipe temporarily) of this Act the Company shall give to the council notice in writing of the prohibition and of the date when it will come into force.

For
protection
of London
Midland
and
Scottish
Railway
Company.

70. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Company and the railway company be in force and have effect:—

- (1) The provisions of section 15 (For protection of Company's wells) of this Act shall not apply to any new well or other work or to the enlargement of any existing well or other work constructed or which may hereafter be constructed by the railway company in or upon the lands now belonging to them at or near Bromsgrove railway station for taking or intercepting underground water for any purpose of their railway undertaking:
- (2) Before commencing the construction of Work No. 2 by this Act authorised and any subsidiary or other works in connection therewith or the subsequent removal renewal alteration or repair thereof where the same passes over or under the railway of the railway company (all of which works of the Company are in this section referred to as "the works") the Company shall (except in cases of emergency) submit to the principal engineer of the railway company (in this section referred to as "the said engineer") plans sections and specifications of the works for his approval which approval shall not be unreasonably withheld and shall be deemed to have been given if the said engineer shall not express his disapproval thereof within twenty-one days from the date of submission to him:
- (3) The works shall be carried out only in accordance with such plans sections and specifications as may be approved as aforesaid and under the superintendence and to the reasonable satisfaction of the said engineer:
- (4) The works shall be carried out so as to cause as little injury as may be to the railway of the railway company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the works

or the operations of the Company in connection therewith or the bursting leakage or failure of any mains pipes or other works of the Company the Company shall make compensation in respect thereof to the railway company:

- (5) Any dispute or difference which may arise between the Company and the railway company with reference to the provisions of this section and any question as to whether any consent of the said engineer has been unreasonably withheld shall be referred to and determined by arbitration.

71. For the protection of the Sharpness Docks and Gloucester and Birmingham Navigation Company (in this section referred to as "the Sharpness Company") the following provisions shall unless otherwise agreed between the Company and the Sharpness Company apply and have effect:—

For
protection
of Sharpness
Docks and
Gloucester
and
Birmingham
Navigation
Company.

- (1) In this section—

"the canal" means the Worcester and Birmingham Canal and includes the embankment thereof;

"Work No. 1" and "Work No. 2" respectively mean Work No. 1 and Work No. 2 authorised by section 5 (Power to construct water-works) of this Act and include any works constructed under section 6 (Subsidiary works) of this Act in connection with the said Work No. 1 and Work No. 2 respectively:

- (2) Notwithstanding anything in this Act or on the deposited plans the Company shall not except as mentioned in paragraph (5) of this section enter upon take or use or acquire any easements or rights in any part of the canal or the towing-path thereof or the bridge over the canal forming part of the property numbered on the deposited plans 8 in the parish of Tutnall and Cobley or any other land or property of the Company or any easement therein:
- (3) Notwithstanding anything in this Act or on the deposited plans no part of Work No. 1 shall except as mentioned in paragraph (5) of this section be constructed within a distance of ten yards from any part of the canal:
- (4) Notwithstanding anything in this Act or on the deposited plans and sections Work No. 2 shall be carried over the canal and the towing-path thereof by means of a bridge which shall be so constructed

PART VII.
—cont.

that there shall be a clear headway of not less than eleven feet between the top water level of the canal and the surface of the towing-path on the one hand and the bottom of the said bridge or of Work No. 2 whichever is the lower on the other hand. The said bridge shall be supported on piers which shall be erected in such position as not to restrict in any way the user of the canal and towing-path:

- (5) For the purpose of constructing Work No. 2 in accordance with the provisions of the last preceding paragraph and for the purpose of constructing pipes for the discharge of water into the canal in connection with Work No. 1 the Company may purchase and the Sharpness Company (if so required by the Company) shall so far as they are able so to do grant to the Company such easements as may be reasonably required by the Company for constructing maintaining repairing inspecting and using Work No. 2 over the canal and the towing-path thereof subject to the provisions of this section and for constructing maintaining repairing inspecting and using discharge pipes as aforesaid. The consideration to be paid for any easement acquired by the Company pursuant to this paragraph shall if not agreed with the Sharpness Company be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement:
- (6) The construction of Work No. 1 and Work No. 2 and the bridge for carrying that work over the canal and towing-path (hereinafter together referred to as "the specified works") and all alterations repairs and renewals thereof shall be carried out and executed without causing any leakage or loss of water from the canal or any unnecessary interference with or damage to the canal or the towing-path thereof or other property of the Sharpness Company and so as to occasion no obstruction or impediment to the traffic along the canal or the passage along the towing-path thereof:
- (7) If in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Company of any of the powers of this Act with reference to the specified works any damage or injury to the canal or the towing-path thereof or other property

of the Sharpness Company or any leakage or loss of water from the canal or any interruption or interference with the conduct of the traffic upon the canal or the towing-path thereof or to or from any other property of the Sharpness Company shall be at any time occasioned or arise the Company shall forthwith at their own expense and to the reasonable satisfaction of the Sharpness Company's engineer execute all such works and do all such things as may be necessary or reasonably practicable to restore the canal or towing-path or other property of the Sharpness Company to the same state and condition as before the happening of such injury or leakage or loss of water or remove the cause of such interruption or interference (as the case may require) and take all such steps as may be necessary to prevent the recurrence of such damage leakage loss interruption or interference under the superintendence (if the same be given) and to the reasonable satisfaction of the Sharpness Company's engineer.

If the Company at any time fail to comply with the provisions of this paragraph and also in emergency the Sharpness Company may after giving not less than fourteen days' previous notice in writing to the Company or forthwith if the circumstances so require execute and do themselves all such works and things as may be necessary as aforesaid and the Company shall pay to the Sharpness Company the costs and expenses reasonably incurred by the Sharpness Company in so doing:

- (8) If at any time after the Sharpness Company shall desire in pursuance of powers existing at the date of this Act to widen or deepen the canal or to widen the towing-path thereof at or near the crossing thereof of Work No. 2 or to alter or reconstruct the bridge over the canal referred to in paragraph (2) of this section the Company shall on being required so to do by the Sharpness Company make at their own cost such alteration in the position of Work No. 2 and the bridge for carrying that work over the canal and towing-path as may be reasonably required in order to permit of the carrying out by the Sharpness Company of such widening deepening alteration or reconstruction:
- (9) The Company shall indemnify and hold harmless the Sharpness Company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to

PART VII.
—cont.

pay in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Company their contractors agents workmen or servants:

(10) (a) The Company shall not exercise the powers of section 10 (Application of Waterworks Clauses Act 1847 to discharge pipes &c.) and section 30 (Power to lay pipes &c. in certain private streets) of this Act in respect of any street belonging to or repairable by the Sharpness Company or the towing-path of the canal without the consent in writing of the Sharpness Company. Provided that with respect to any such street and with respect to any towing-path such consent shall not be unreasonably withheld and may be given subject to such reasonable terms and conditions as the Sharpness Company may think fit to impose;

(b) The Company shall not in the exercise of the powers of the said section 30 unreasonably obstruct or interfere with the convenient access to any such street or towing-path as is mentioned in the preceding subparagraph (a):

(11) The Company shall not in the exercise of the powers of section 12 (Temporary stoppage of streets) of this Act stop up divert or interfere with any part of the towing-path of the canal:

(12) Nothing in section 13 (Discharge of water into streams) of this Act shall authorise the Company except in case of emergency to discharge water or cause any water to be discharged directly into any canal or feeder of the Sharpness Company without the consent of the Sharpness Company which consent shall not be unreasonably withheld and may be given subject to such reasonable terms and conditions as the Sharpness Company may think fit to impose:

(13) Any question or dispute which may arise between the Company and the Sharpness Company under this section shall be referred to and determined by an arbitrator.

For protection
of Shropshire
Worcester-
shire and

72. For the protection of the Shropshire Worcestershire and Staffordshire Electric Power Company (in this section called "the power company") the following provisions shall

unless otherwise agreed in writing between the Company and the power company apply and have effect:—

PART VII.

—cont.

Stafford-
shire
Electric
Power
Company.

(1) In this section—

“ apparatus ” means all or any electric lines (as defined in the Electric Lighting Act 1882) posts poles and other works belonging to the power company;

“ the authorised works ” means the works authorised by Part II of this Act:

(2) The provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (mutatis mutandis and subject to the provisions of this section) apply in relation to any interference by the Company with any apparatus whether such apparatus is under a street or not and shall extend to any such apparatus constructed upon or above the level of the ground and the Company shall not alter the position of or interfere with any such apparatus except in accordance with and subject to the said provisions as applied and extended as aforesaid.

For the purposes of this paragraph “ apparatus ” means any apparatus which at the date when the Company commence to construct any of the authorised works has been laid down erected or constructed by the power company in exercise of statutory powers in existence at the passing of this Act and is in existence within the limits of deviation shown on the deposited plans in respect of that work:

(3) The Company shall not carry out any of the authorised works near to which any apparatus has been lawfully placed except in accordance with and subject to the provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899:

(4) Notwithstanding the stopping up temporarily of any street under the powers of section 12 (Temporary stoppage of streets) of this Act the power company their engineers workmen and others in their employ shall at all times have such rights of access to all or any apparatus in or under any such street as they had immediately before such stopping up and the Company shall not prevent or interfere with the exercise by the power company of any powers vested in them of executing and doing such works and things in upon or under such street as may be necessary for laying inspecting repairing maintaining removing or renewing any apparatus:

PART VII.
—cont.

- (5) Nothing in section 31 (Meters &c. to measure water or detect waste) of this Act shall extend to or authorise any interference with any apparatus to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections:
- (6) Any dispute which may arise between the Company and the power company under paragraph (2) of this section shall be determined by arbitration.

For
protection
of River
Severn
Catchment
Board.

73. For the protection of the River Severn Catchment Board (in this section referred to as "the catchment board") the following provisions shall unless otherwise agreed in writing between the Company and the catchment board apply and have effect with respect to the exercise of the powers of section 13 (Discharge of water into streams) of this Act:—

- (1) (a) Not less than seven days before commencing to discharge water into any watercourse within the River Severn Catchment Area for purposes other than the emptying or cleaning of a pipe not exceeding twelve inches in diameter the Company shall (except in case of emergency) give notice in writing of their intentions to the catchment board;

(b) The Company shall give due regard to any representations which may be made to them as to the time mode and rate of discharge with a view to avoiding or minimising injury or inconvenience therefrom:

Provided that whenever the Company propose to discharge water on a number of occasions during a period the giving by them of a general notice to that effect accompanied by such particulars as it is reasonably practicable for them to give shall constitute sufficient compliance by them with the provisions of paragraph (a) of this subsection:

- (2) When the Company discharge water during an emergency they shall forthwith give to the catchment board notice thereof in writing and such further particulars relating to the discharge as may reasonably be required:
- (3) Any dispute or difference which may arise under this section between the catchment board and the Company shall be determined by arbitration.

PART VIII.

ADMINISTRATIVE AND MISCELLANEOUS.

74.—(1) Notwithstanding anything in section 83 of the Waterworks Clauses Act 1847 relating to an account in abstract of receipt and expenditure it shall be sufficient compliance with the requirements of that section as modified by section 101 of the Local Government Act 1933 for the Company within seven days after the holding of the ordinary general meeting of the Company to send to the clerk of each county council a copy of the accounts as submitted to the shareholders of the Company. As to accounts.

(2) The Company shall at the same time send a copy of such accounts to the clerk of the council of each urban and rural district within the limits of supply.

75. No person shall be entitled to vote in respect of any new preference shares or stock created and issued under the powers of this Act. Voting rights.

76. Notwithstanding anything in the Companies Clauses Acts 1845 to 1889 it shall not be obligatory on the Company to keep registers of transfers of ordinary shares or stock preference shares or stock debenture stock and mortgages respectively so long as the Company in lieu of those registers shall keep a file of all transfers and evidences of transmission of any ordinary shares or stock preference shares or stock debenture stock or mortgages of the Company which are sent to them for registration in accordance with the provisions of those Acts. Register of transfers.

77.—(1) The directors may close the register of transfers of ordinary shares or stock and preference shares or stock of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of section 76 (Register of transfers) of this Act for a period not exceeding fourteen days previous to the payment of any dividend on any such shares or stock and may close the register of transfers of debenture stock or mortgages of the Company of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of the said section 76 for a period not exceeding fourteen days previous to the payment of any interest on any such debenture stock or mortgages and the directors may in any such case fix a day for the closing of any register or file which they are authorised to close under the provisions of this section. Seven days' notice of the closing of any such register or file shall be given by advertisement in some newspaper published and circulating within the limits of supply. Closing of transfer books.

PART VIII.
—cont.

(2) Any transfer of any ordinary shares or stock preference shares or stock or debenture stock or mortgages lodged for registration with the Company while the register or file of transfers relating to shares or stock or mortgages of the same class is so closed shall as between the Company and the persons claiming under the transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest.

Indemnity
before
issue of
substituted
certificates
&c.

78. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any Act or Order relating to the Company 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.

Proof of
majority
of votes
only
required
when poll
demanded.

79. 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 at the meeting 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.

Notice by
directors of
contracts.

80. For the purposes of the proviso to section 68 (Contracts etc. not to disqualify for office of director) of the Act of 1934 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.

Continuing
directors.

81. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors holding office shall be less than the minimum number prescribed by section 19 (Number of directors) of the East Worcestershire Water Act 1877 the directors shall

not except for the purpose of filling vacancies and allotting shares or stock to any proposed director or directors act so long as the number is below such minimum.

PART VIII.
—cont.

82. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any shares or other securities of the Company and of executing any other minor powers exercisable by the directors.

Exercise
of minor
powers
by one
director.

83. If any director shall devote to the business of the Company either his whole time and attention or more of his time and attention than in the opinion of the directors would usually be so devoted by a person holding such office or shall undertake or perform any duties or services other than those which in the opinion of the directors would usually be undertaken or performed by a person holding such office or shall be called upon to perform and shall perform extra services for any of the purposes of the Company then and in any of such cases the directors may remunerate the director so doing either by a fixed sum annual or otherwise or in such other manner as shall be determined by the directors and such remuneration may at the discretion of the directors be either in addition to or in substitution for all or any part of any other remuneration to which such director may be entitled:

Remunera-
tion of
directors
for special
services.

Provided that the amount of such remuneration shall be disclosed in the next annual report of the directors or in the next annual accounts of the Company.

84. Section 98 of the Companies Clauses Consolidation Act 1845 relating to proceedings shall in its application to the Company have effect as if the words " or of the next succeeding meeting " were inserted therein after the words " shall be signed by the chairman of such meeting."

Signing of
minutes
&c.

85. Any registered holder of shares stock debenture stock or mortgages of the Company of any class whose address is not in Great Britain shall from time to time name an address in Great Britain which shall for the purposes of the Company be deemed to be the address of the holder and shall be entered in the shareholders' address book or any card or other index which the Company may keep in lieu thereof under the authority of section 74 (Substitution of card index for shareholders' address book) of the Act of 1934 or any register of debenture stock or mortgages kept by the Company pursuant to section 28 of the Companies Clauses Act 1863 and section 45 of the Companies Clauses Consolidation Act

Addresses
of share-
holders &c.
abroad.

PART VIII.
—cont.

1845 respectively and it shall not be obligatory on the Company to send any notice to any such holder otherwise than to an address so named.

Arbitra-
tion.

86. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

Repeals.

87. The following enactments are hereby repealed:—

Act of 1934—

Section 41 (Cisterns to be provided for high level supplies);

Section 73 (Closing of transfer books).

Costs of
Act.

88. 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 SCHEDULE referred to in the foregoing Act.

4 & 5 GEO. 6.

East Worcestershire
Water Act, 1941.

Ch. XVII.

AS AT 31ST MARCH 1941.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AND ORDERS AS AT 31ST MARCH 1941.
SHARE CAPITAL.

Act or Order authorising.	Description.	Maximum dividend authorised.	Nominal capital issued.	Premiums received.	Remaining to be issued.	Total authorised.
1877	Ordinary shares	10 per cent.	£ 80,000	£ s. d. 11,162 10 0	£ s. d. —	£ 80,000
1902	Ordinary or preference stock or shares	7 per cent. or 6 per cent. respectively.	—	Additional to amount of authorised capital. 182 8 9	—	20,000
1934	Preference stock	5½ per cent.	—	—	—	—
	Ordinary or preference stock or shares	7 per cent. or 6 per cent. respectively.	19,810	2,904 12 11	0 13 4	50,000
	Preference stock	4 per cent.	22,090	1,957 5 0	—	—
	Preference stock (redeemable 1950)	5 per cent.	23,055	£16,206 16 8	£0 13 4	£150,000
			£144,955			

LOAN CAPITAL.

Act or Order authorising.	Description.	Rate of interest.	Nominal amount borrowed.	Remaining to be borrowed.	Total borrowing powers.
1877	Irredeemable debenture stock	3 per cent.	£ 8,000	£ s. d. —	£ 80,580 15 7
1902	Ditto	5 per cent.	28,000	—	
Capital issues consent order					
1924	Ditto	5 per cent.	10,000	—	£18,580 15 7
1934	Ditto	4½ per cent.	16,000	—	
			£62,000	£18,580 15 7	£80,580 15 7

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