



## CHAPTER xlvii.

An Act to incorporate and confer powers on the Sheppey Water Company and for other purposes. A.D. 1937.  
[1st July 1937.]

**W**HEREAS the Sheppey Water and Lighting Company Limited (hereinafter referred to as "the limited company") were on the sixteenth day of July one thousand nine hundred and two incorporated under the Companies Acts 1862 to 1900 :

And whereas by the Orders specified in Part I of the First Schedule to this Act the limited company were authorised to construct waterworks and supply water within limits of supply which comprised the areas now constituting the parishes of Eastchurch and Minster in Sheppey in the rural district of Sheppey and a part of the urban district of Sheerness in the county of Kent and other powers were conferred upon the limited company :

And whereas under the provisions of the said Orders the amount of the share capital of the limited company for the purposes of their water undertaking is limited to twenty-four thousand three hundred and fifty-four pounds and the amount of money to be borrowed by the limited company and secured by mortgage of their undertaking is limited to one-third of the amount of the capital of the limited company actually raised in respect of their said undertaking by the issue of shares including any premiums obtained on the sale of such shares :

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And whereas the following is a statement of the share capital and loan capital of the limited company created and issued or raised:—

## SHARE CAPITAL.

Description of shares.	Maximum dividend.	Nominal amount of shares.	Total paid up.	Premiums.
	per cent.	£	£	£ s. d.
Original capital— Ordinary shares -	10	1	8,354	—
Additional capital— Preference shares -	7	1	15,926	73 15 0
			£24,280	£73 15 0

## LOAN CAPITAL.

Description of security.	Rate of interest.	Amount borrowed.	Premiums.
	per cent.	£	£
Mortgage debentures -	4	8,000	—

And whereas it is expedient that the limited company should be dissolved and that the members thereof should be re-incorporated as in this Act provided into a company (hereinafter referred to as "the Company") with power to supply water within the limits defined by this Act:

And whereas it is expedient that the undertaking of the limited company should be vested in the Company and that the existing works of the limited company should be continued and that the Company should be authorised to make and maintain additional water-works and that such powers should be conferred upon them and such other provision made with respect to their undertaking as are in this Act mentioned:

And whereas a plan and section of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plan containing

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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 for the administrative county of Kent and the plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference:

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

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Sheppey Water Act 1937. Short title.

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

Part I.—Preliminary.

Part II.—Incorporation of Company.

Part III.—Financial provisions.

Part IV.—Administrative provisions.

Part V.—Waterworks.

Part VI.—Lands.

Part VII.—Supply of water &c.

Part VIII.—Protective provisions.

Part IX.—Miscellaneous.

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):— Incorporation of general Acts.

(a) The Lands Clauses Acts Provided always that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined

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PART I.  
—cont.

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 Minister of Health on the application of either party;

8 & 9 Vict.  
c. 20.

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the said provisions for the purposes of this Act the expression "the railway" shall mean the works by this Act authorised and "the centre of the railway" shall mean the centre lines of such works;

8 & 9 Vict.  
c. 16.

(c) 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;

26 & 27 Vict.  
c. 118.

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

10 & 11 Vict.  
c. 17.  
26 & 27 Vict.  
c. 93.

(2) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 shall not apply to any land which is vested in the Company by this Act or is hereafter acquired by them.

8 & 9 Vict.  
c. 18.Interpre-  
tation.

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 Sheppey Water Company incorporated by this Act;

- “ The limited company ” means the Sheppey Water and Lighting Company Limited; A.D. 1937.
- “ The appointed day ” means the first day of January one thousand nine hundred and thirty-eight; PART I.  
—cont.
- “ The limits of supply ” means the limits within which the Company are from time to time authorised to supply water;
- “ The new works ” means the works described in the section of this Act of which the marginal note is “ Power to construct waterworks ”;
- “ The waterworks ” means the existing waterworks and works connected therewith of the limited company together with the new works;
- “ The undertaking ” means the undertaking of the Company for the time being authorised;
- “ The directors ” means the directors of the Company;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by this Act;
- “ The Minister ” means the Minister of Health;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878; and 41 & 42 Vict.  
c. 76.
- “ The county council ” means the county council of the administrative county of Kent.

## PART II.

### INCORPORATION OF COMPANY.

5. As from the appointed day the limited company shall be dissolved and the several persons who immediately before the appointed day were members of the limited company and all other persons who have subscribed to or shall become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated by the name of “ the Sheppey Water Company ” and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act and of the undertaking. Incorporation of Company.

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[Ch. xlvii.]

*Sheppey Water  
Act, 1937.*

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

PART II.

—cont.

General  
purposes of  
Company.

Property  
of limited  
company  
vested in  
Company.

6. The Company shall be established for the purposes of supplying water to and within the limits of supply and generally to carry on the business of a water company and for other the purposes of this Act.

7. Subject to the provisions of this Act all the lands waterworks erections buildings property rights and easements which immediately before the appointed day are vested in the limited company or any person in trust for them or to which the limited company are in anywise entitled and all pipes plant apparatus stocks matters and things which have been purchased or provided by and are immediately before the appointed day the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the appointed day belong to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the appointed day in force and the undertaking of the limited company shall on and from the appointed day be by virtue of this Act transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the appointed day vested in the limited company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed and dealt with by the Company as they think fit.

Repeal of  
Orders and  
avoidance  
of memo-  
randum and  
articles of  
association  
of limited  
company.

8.—(1) Subject to the provisions of this Act the unrepealed provisions of the Orders specified in Part I of the First Schedule to this Act shall on and from the appointed day be and the same are hereby repealed except the provisions thereof as set forth in Part II of that schedule and the memorandum and articles of association of the limited company shall on and from the appointed day as to any prospective operation be wholly void and the limited company and the shareholders thereof shall subject as aforesaid be exempted from all the provisions restrictions and requirements of the said Orders or of any Act which applied to the limited company and the members thereof as such:

Provided that nothing in this Act contained shall affect the previous operation of the said Orders or the

said memorandum and articles or anything done or suffered or any right obligation or liability acquired accrued or incurred thereunder and with respect to all such rights obligations and liabilities the Company and the proprietors thereof and the property of the Company shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company.

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PART II.  
—cont.

(2) The provisions of the said Orders which are set out in Part II of the First Schedule to this Act shall have and continue to have the same effect as if this Act had not been passed except that the Company may exercise the powers conferred and shall be subject to the obligations imposed by the said provisions in all respects as if the Company had been therein referred to instead of the limited company :

Provided that nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of the said Orders which apply to or affect a special portion only of the undertaking or the limits of supply of the limited company or are otherwise specifically of limited application.

9. All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the appointed day by to or with the limited company or any trustee or person acting on behalf of the limited company or by to or with any person to whose rights and liabilities they have succeeded and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or the trustee or person acting on behalf of the limited company the Company had been a party thereto.

Contracts  
prior to  
appointed  
day to be  
binding.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the appointed day and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against

Actions  
&c. not  
to abate.

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PART II.  
—cont.

the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the proprietors thereof being in reference to the matters aforesaid in all respects substituted for the limited company and their members respectively.

Indemnity.

**11.** Every person who (being authorised so to do) before the appointed day entered into any bond covenant contract or engagement on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company  
to satisfy  
liabilities  
of limited  
company.

**12.** Subject to the provisions of this Act from and after the appointed day the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately ~~before the~~ appointed day were subject and shall indemnify the members directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in connection therewith.

Recovery  
of water  
rates &c.

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

As to pay-  
ment of  
debts owing  
before ap-  
pointed day.

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



(b) The seven per centum preference stock shall be divided among and vested in the several persons who immediately before the appointed day were registered as holders of the preference shares of the limited company in the proportion of one pound of such stock for each such preference share held by them respectively.

(2) All stock so created and vested shall be deemed to be fully paid up.

22. Trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares in the limited company are hereby expressly authorised and required to accept any stock vested in them pursuant to this Act and to hold dispose of or otherwise deal with the same as they might have disposed of or otherwise dealt with the share or shares in the limited company for which such stock is substituted and are hereby indemnified in respect of all acts bona fide done by them in pursuance of this Act.

23. The mortgage debentures of the limited company outstanding at the appointed day shall as from that day become and be mortgage debentures of the Company charged upon the undertaking in all respects as if those debentures had been issued by the Company on the dates on which they were respectively issued by the limited company and as if the Company had been named therein instead of the limited company.

24. The ordinary stock and preference stock created by virtue of this Act shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the appointed day affected the share or shares for which the same are respectively substituted and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any agreement deed or other instrument or any testamentary disposition made before the appointed day and affecting any such share or shares and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the ordinary stock or preference stock substituted for such share or shares.

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PART III.  
—cont.

Trustees  
to accept  
substituted  
stock.

As to  
mortgage  
debentures  
of limited  
company.

Stock to  
be held  
on same  
trusts &c.  
as shares  
of limited  
company.

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PART III.  
—cont.Exchange  
of certi-  
ficates &c.

**25.** The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates of the stock to which the holders of such shares are by this Act respectively entitled but no holder of any such share shall be entitled to any certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the existing certificate of proprietorship of the share or shares in the limited company issued to him before the appointed day or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given an indemnity against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors but if any holder of any such existing share neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the shareholders' address book of the limited company the Company may retain any dividend declared or made payable upon or in respect of the stock substituted under the provisions of this Act for such share or shares until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given as aforesaid.

As to raising  
additional  
capital.

**26.** The Company may from time to time raise the additional capital by the creation and issue at their option of additional ordinary stock or preference stock or wholly or partially by one or other of those modes but no such stock shall vest in the person accepting the same until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

New capital  
to be part  
of general  
capital.

**27.** All additional capital created by the Company under this Act shall be part of the general capital of the Company and save as is otherwise provided by this Act the holders thereof respectively shall be entitled to the like rights of voting (if any) and any other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and

liabilities as the holders of other stock of the Company of the same class and description.

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PART III.

—cont.

**28.** In case in any year or half-year (if the Company declare a dividend half-yearly) the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividend on different classes of ordinary stock to be paid proportionately.

**29.**—(1) Subject to the provisions of this Act all ordinary and preference stock issued by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

Sale of stock by auction or tender.

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

- (a) Notice of the intended sale shall be given in writing to the clerk to the council of every county district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a letter to be received by the Minister not less than twenty-four hours before but shall not be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same price except that the offer

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PART III.

—cont.

by tender of any holder of ordinary or preference stock of the Company or of any employee or of a consumer of water supplied by the Company may be accepted in preference to the offer of the same price by any person not such a holder employee or consumer as aforesaid;

- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and not sold may be offered at the reserve price to the holders of ordinary and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only Provided that in the case of an offer to the holders of stock if the aggregate amount of any class of stock applied for shall exceed the aggregate amount thereof so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

Power to  
borrow.

**30.**—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the original capital any sum or sums not exceeding in the whole (inclusive of the amount of the

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PART III.  
—cont.

cease to be taken into account in calculating the extent to which the powers of the Company of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue :

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

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

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

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

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

Appoint  
ment of  
receiver.

**35.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

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

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PART III.  
—cont.

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

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

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be paid-up share capital for the purposes of any enactment regulating the borrowing powers of the Company.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall

mortgage debentures referred to in the section of this Act of which the marginal note is "As to mortgage debentures of limited company") the sum of eighteen thousand two hundred and ten pounds.

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PART III.  
—cont.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole three-fourths of that capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company has proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock in respect of which it is proposed to borrow together with the premium (if any) realised or after allowing for the discount (if any) given on the sale thereof has been fully paid up.

**31.**—(1) Notwithstanding anything contained in the section of this Act whereof the marginal note is "Power to borrow" the Company shall not borrow on mortgage of the undertaking any sum or sums except with the consent of the holders of seven per centum preference stock:

Limitation  
on exercise  
of borrow-  
ing powers.

Provided that the Company may without such consent raise temporary loans not exceeding at any one time the amount of five thousand pounds.

(2) A consent under subsection (1) of this section may be given in writing by the holders of at least three-fourths of such stock or by a resolution passed at a separate meeting of the holders of such stock.

(3) The provisions applicable to general meetings of the Company shall mutatis mutandis apply to every such meeting of holders of seven per centum preference stock but so that the quorum thereof shall be holders of such stock present in person or by proxy and representing three-fourths of such stock.

**32.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest on the mortgage debentures referred to in the section of this Act of which

Debenture  
stock.

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PART III.  
—cont.

the marginal note is “As to mortgage debentures of limited company” and of all debenture stock and mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and the mortgages were authorised) and shall subject as is mentioned in the section of this Act of which the marginal note is “Priority of mortgages and debenture stock over other debts” have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority  
of mort-  
gages and  
debenture  
stock over  
other debts.

**33.** All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act or secured by the mortgage debentures referred to in the section of this Act of which the marginal note is “As to mortgage debentures of limited company” 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 always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted by the limited company or to be granted by the Company 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.

Redeemable  
preference  
stock and  
debenture  
stock.

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

“Stock” means and includes preference stock and debenture stock;

“Issue” includes re-issue;

“Redeemable stock” means any stock issued under the powers of this section so as to be redeemable;

“Redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.



**15.** Notwithstanding the avoidance of the memorandum and articles of association of the limited company all certificates for shares in the limited company (until cancelled under the provisions of this Act) and all sales transfers and dispositions of any such shares made or executed but not registered before the appointed day shall be valid and have due effect given to them as if they were respectively (a) certificates for stock of the Company of the designations and to the amounts allocated by this Act to the holders of the shares referred to in such certificates or (b) sales transfers or dispositions of stock of the Company of the designations and to the amounts allocated by this Act to the holders of shares in the limited company of the designations and to the amounts of the shares sold transferred or disposed of.

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PART II.  
—cont.  
Certificates  
&c. to  
remain  
in force.

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

Books &c.  
continued  
evidence.

**17.** The books kept by the limited company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share and the register of mortgages of the limited company shall until a new register of stockholders and a new register of mortgages shall respectively be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders or register of mortgages (as the case may be) required to be kept by the Companies Clauses Consolidation Act 1845 as amended (in its application to the Company) by this Act.

Present  
register of  
members  
to be  
continued.

**18.** All officers and servants of the limited company who shall be in the employ of the limited company at the appointed day shall as from the appointed day hold under the Company the same respective offices and employments on the same terms and conditions as they held under the limited company on that day and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions

Officers to  
continue  
till  
removed.

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and regulations in all respects whatsoever as if they had been appointed by the Company.

## PART II.

—cont.

Saving  
rights of  
limited  
company  
until ap-  
pointed day.

**19.** Nothing in this Act shall prejudice or affect the exercise or enjoyment by the limited company of any of their rights powers or privileges during the period between the passing of this Act and the appointed day but all such rights powers and privileges may be exercised and enjoyed by the limited company during the said period as if this Act had not been passed.

## PART III.

## FINANCIAL PROVISIONS.

Capital.

**20.**—(1) The capital of the Company shall be thirty-nine thousand two hundred and eighty pounds of which capital twenty-four thousand two hundred and eighty pounds is in this Act called “the original capital” and shall be substituted for the existing share capital of the limited company and fifteen thousand pounds is in this Act called “the additional capital” and may be raised in manner in this Act mentioned.

(2) On the appointed day there shall be created by virtue of this Act and without any further or other authority—

- (a) Eight thousand three hundred and fifty-four pounds of ordinary stock; and
- (b) Fifteen thousand nine hundred and twenty-six pounds of preference stock (in this Act called “seven per centum preference stock”) entitled to a preferential dividend of seven per centum per annum.

Allocation  
of original  
capital.

**21.**—(1) Forthwith after the appointed day the ordinary stock and seven per centum preference stock created by virtue of this Act shall be allocated as follows :—

- (a) The said ordinary stock shall be divided among and vested in the several persons who immediately before the appointed day were registered as holders of the ordinary shares of the limited company in the proportion of one pound of such stock for each existing share held by them respectively;

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PART VII.  
—cont.

out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid in the case of an officer of the Corporation out of the general rate fund and in the case of an officer of some body other than the Corporation out of the fund out of which the salary or wages of the officer was or were paid.

(6) A notice under this section may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(7) The provisions of section 14 (Allowance not assignable) of the Act of 1922 so far as they are applicable shall apply to every annuity under this section.

(8) The provisions of this section shall also apply to any officer who prior to the passing of this Act but on or after the first day of January nineteen hundred and thirty-seven retired with a superannuation allowance and who (a) within one month after the passing of this Act shall give notice in writing to the Corporation to the effect set forth in subsection (1) of this section and (b) agrees to pay such sum as the treasurer may certify to be equivalent to the sums by which such officer's superannuation allowance would have been reduced if the provisions of this section had been applicable to him at the date of his retirement together with compound interest on such sums at the rate of four per centum per annum.

As to pay-  
ments due  
to deceased  
employees.

**70.**—(1) On the death of an employee of the Corporation to whom a sum not exceeding one hundred pounds is due on account of salary wages return of superannuation contributions (including interest on those contributions if payable) superannuation allowance or grant if probate of the will of the employee or letters of administration of his estate are not produced within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

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PART VII.  
—cont.

(2) The Minister may on application made by the Corporation by order alter as respects any officer giving notice under subsection (1) of this section after the date of the order any of the percentages specified in the schedule to this Act so far as may be necessary to secure that the benefits provided by this section for the officer and his wife shall be actuarially equivalent to the benefits to which the officer would have been entitled if he had not given such notice as aforesaid.

(3) Subsection (2) of section 12 (Return of contributions in case of death) of the Act of 1922 shall not apply in respect of any officer who has given notice under subsection (1) of this section.

(4) If the officer shall die before he would have been entitled to receive by way of superannuation allowance if he had not given notice under subsection (1) of this section an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the Corporation shall pay to his legal personal representative the difference between the amount which the officer would have been entitled to receive by way of superannuation allowance up to the date of his death if he had not given such notice and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

(5) An annuity under this section shall be payable out of the superannuation fund :

Provided that if the superannuation allowance of the officer was by reason of the proviso to subsection (1) of section 16 (Allowance for previous service) of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid

**36.** All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable.

PART III.  
—*cont.*  
Application  
of moneys.

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

Minimum  
holdings  
of stock and  
debenture  
stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be.

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

Company  
not bound  
to regard  
trusts.

**39.** The Company shall not in any year pay out of their profits any larger dividend on the original capital than ten pounds in respect of every one hundred pounds actually paid up of such capital and on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary stock unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend of the Company which shall have fallen short of the maximum rate or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limit of  
dividends.

**40.**—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in investments in which trustees are authorised

Reserve  
fund.

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PART III.

—cont.

by law to invest and the dividends and interest arising from such investments may also be invested in the same or like investments in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised other than loan capital.

(3) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

Limit on  
contingency  
fund.

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

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

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

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PART III.

—cont.

Limitation  
on carry  
forward.

- (a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and
- (c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages or debenture stock.

43. The Company shall as soon as practicable after the appointed day pay to the persons who immediately before the appointed day held ordinary or preference shares of the limited company or their successors in title to such shares out of the funds of the limited company which if this Act had not been passed would have been applicable to dividend dividends (less income tax) at such rates as after taking into account any interim dividend the limited company could lawfully have paid thereon out of such funds for the then preceding year.

As to  
dividends  
on shares  
of limited  
company.

PART IV.

ADMINISTRATIVE PROVISIONS.

44. The first ordinary meeting of the Company shall be held within six months after the appointed day.

First  
ordinary  
meeting.

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

Meetings of  
Company.

46. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may

Notices of  
meetings.

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PART IV.  
—cont.

(if the directors so determine) be given by letter sent by ordinary post to each stockholder instead of by public advertisement. Provided that the letters giving the notice shall be directed according to the registered address or other known address of each stockholder prepaid and posted not later than seven clear days before the date of the meeting. In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Quorum for  
meetings of  
Company.

**47.** For the purpose of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be three holders of stock.

Defining  
right of  
voting.

**48.**—(1) At all general meetings of the Company every holder of ordinary stock and every holder of preference stock to which voting rights are attached by the resolution creating the same shall on a show of hands be entitled to one vote and on a poll to one vote in respect of every amount of one pound in the nominal value of such stock held by him :

Provided that no such holder shall be entitled to vote at any meeting in respect of any stock on which any call remains unpaid.

(2) Except as otherwise expressly provided by this Act or by the resolution creating the same no person shall be entitled to vote in respect of any stock to which a preferential dividend shall be assigned.

As to  
appoint-  
ment of  
proxies.

**49.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy :

Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of an instrument deposited with the central office of the Supreme Court) an office copy thereof shall



be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

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PART IV.

—cont.

Joint  
holders.

**50.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof.

**51.**—(1) The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than nine or less than three.

Number  
and quali-  
fication of  
directors.

(2) On and from the appointed day the qualification of a director shall be the possession in his own right of ordinary stock of the Company to the nominal amount of not less than two hundred and fifty pounds.

**52.** The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two.

Quorum for  
directors'  
meeting.

**53.** Frank Ingleton George Frederic Ramuz James Singler Bills Albert Henry Love and Thomas Cecil Yorath Hughes shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the appointed day At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election At the ordinary meeting to be held in every year after the first ordinary meeting the stockholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 The several persons

First and  
subsequent  
directors.

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PART IV.  
—cont.Contracts  
&c. not to  
disqualify  
for office of  
director.

elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

**54.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his or any partners of his being or becoming interested in any contract with the Company either on his own behalf or as a member of any other company or any corporation local authority or partnership nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or of his or any partners of his becoming interested in any such contract :

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

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

Continuing  
directors.

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

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PART IV.  
—cont.

**56.**—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the board of directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

Notice of  
candidature  
of or of  
opposition  
to re-elec-  
tion of  
director.

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

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

**57.**—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

As to  
appoint-  
ment of  
managing  
director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may

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PART IV.  
—cont.

be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Remunera-  
tion of  
directors  
for special  
services.

**58.** 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 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.

Auditors.

**59.** The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company The auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold stock of the Company If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

Remunera-  
tion of  
secretary.

**60.** In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 they may determine the remuneration of the secretary of the Company.

**61.**—(1) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared.

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

**62.**—(1) The directors may close the register of transfers of any ordinary or preference stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such ordinary or preference stock and may close the registers of transfers of mortgage debentures or debenture stock of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such mortgage debentures or debenture stock and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section Seven days' notice of the closing of any such register shall be given by advertisement in some newspaper published and circulating within the county of Kent.

(2) Any transfer of stock or mortgage debentures or debenture stock lodged for registration with the Company while the transfer books relating to such stock or to such mortgage debentures or debenture stock are so closed shall as between the Company and the person claiming any such transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest as the case may be.

**63.** Notwithstanding anything contained in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders'

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PART IV.  
—cont.

Interim  
dividends  
and annual  
accounts.

Closing of  
transfer  
books.

Substitution  
of card  
index for

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## PART IV.

—cont.

share-  
holders'  
address  
book.

address book provided under that section a card or other index containing the names and addresses of the several stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Register  
of share-  
holders and  
share-  
holders'  
address  
book.

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

- (a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or
- (b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

## PART V.

## WATERWORKS.

Power to  
construct  
waterworks.

**65.** Subject to the provisions of this Act the Company may make and maintain in accordance with the deposited plan and section and upon the lands delineated on that plan and described in the deposited book of reference the following works in the county of Kent (that is to say):—

Work No. 1 A well and pumping station situate in the parish of Minster in Sheppey in the rural district of Sheppey in part of the enclosure numbered 583 in that parish on the 1/2500 Ordnance map (Kent sheet No. XIII.14 edition of 1933);

Work No. 2 A line or lines of pipes situate in the said parish of Minster in Sheppey commencing at the well and pumping station (Work No. 1) hereinbefore described and terminating by a junction with the existing line of pipes of the Company in the road from Halfway Houses to Minster.

**66.** In addition to the new works the Company subject to the provisions of this Act may upon any lands delineated on the deposited plan make and maintain all such adits headings boreholes buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to any of the new works but nothing in this section shall exonerate the Company from any indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Provided that any electrical works or apparatus made or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communications by means of any such line.

**67.** Notwithstanding anything contained in this or in any other Act the Company shall not except with the consent of the county council—

- (a) erect or make or permit to be erected or made any building (other than boundary walls gates posts and fences) or permanent excavation (other than workings which do not pierce the surface of the land) on the lands delineated on the deposited plan and described in the deposited book of reference nearer to the Maidstone—Sheerness road than the building line shown on the plan of the said lands signed by William John Charles Ouzman on behalf of the Company and by Francis William Greig on behalf of the county council (hereinafter referred to as “the signed plan”); or
- (b) place or make or permit to be placed or made any building erection or excavation on the said lands nearer to the said road than the improvement line shown on the signed plan :

Provided that nothing in this section shall affect any right of the Company to make any excavation for the purpose of laying making altering maintaining repairing or renewing any main pipe drain work or other apparatus at a depth to be agreed between the Company and the county council or failing agreement to be determined by arbitration.

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PART V.  
—cont.

Subsidiary  
works.

Saving for  
building and  
improve-  
ment lines  
&c.

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—  
PART V.  
—cont.Limits of  
deviation.

**68.** In the construction of the new works the Company subject to the provisions of this Act may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited section to any extent not exceeding three feet upwards and to any extent downwards.

Period for  
completion  
of works.

**69.** If the new works are not completed within a period expiring on the first day of October nineteen hundred and forty-two then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed :

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

New works  
to form part  
of under-  
taking.

**70.** Subject to the provisions of this Act the new works shall for all purposes whatsoever form part of and be comprised in the undertaking.

Works  
below high-  
water mark  
not to be  
constructed  
without  
consent of  
Board of  
Trade.

**71.** The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under-secretaries or assistant-secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary



to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

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PART V.  
—cont.

**72.** 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 as can be taken or intercepted by means of the waterworks.

Power to  
take waters.

**73.** The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting  
powers to  
abstract  
water.

**74.—(1)** If at any time after the completion of the pumping station authorised by this Act it shall be proved by the owner of the well at South Lees Farm in the parish of Minster if such well is used at the passing of this Act as an effective source of supply (in this section called "the owner") that the pumping by the Company at such station has caused a diminution or cesser of the supply of water obtainable from such well the Company shall upon the written request of the owner afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost of the owner of obtaining his full supply shall not be more after than before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

For pro-  
tection of  
well at  
South Lees  
Farm.

(2) Provided that—

(a) The Company shall not be liable in respect of any claim made by the owner under this section if the owner shall have failed to afford the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well in respect of which the claim is made

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PART V.  
—cont.

and facilities for ascertaining particulars thereof and the level and quantity of the water therein; and

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

(3) All mains pipes meters and fittings required for the purpose of supplying water to the 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 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 the owner shall be repaired maintained and (when necessary) renewed and made good by the owner to the satisfaction of the Company.

(4) The Company may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid in any such well deepen such well 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 owner shall without making any charge therefor give the Company access and every facility for carrying out such deepening borings or headings.

(5) Any question which may arise between the Company and the owner as to the quantity time place or manner of the supply 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 owner under the foregoing provisions of this section shall be referred to arbitration.

(6) The Company and the owner may enter into and fulfil agreements with reference to the supply of water by the Company to the 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 the owner.

75.—(1) The Company during and for the purpose of the execution of the new works 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 in the street from passing along and using the same.

A.D. 1937.  
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PART V.  
—cont.  
Temporary  
stoppage of  
streets.

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

(3) The Company shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

(4) The Company shall not stop up or divert any street vested in the county council without the consent of the county council and such consent may be given subject to such reasonable terms and conditions as the county council may see fit to impose Any question whether the terms and conditions imposed by the county council are unreasonable shall be referred to and determined by arbitration.

76.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining the waterworks the Company may cause the water in any such work to be discharged into any available stream or watercourse Provided that any such water when entering the stream or watercourse shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

Discharge  
of water  
into  
streams.

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

(3) The powers conferred by this section shall not be exercised so as to damage or affect the railways or works of the Southern Railway Company nor shall the Company cause water to be discharged into any

A.D. 1937. watercourse constructed for the purpose of draining such railways and works.

PART V. —cont.

(4) The Company shall not except in emergency or with the consent of the county council discharge water under the powers of this section into any stream or watercourse which is adjacent to any highway or bridge vested in the county council or into which the surface water from any such highway or bridge is drained. The consent of the county council shall not be unreasonably withheld and may be given subject to reasonable terms and conditions and any dispute between the Company and the county council as to whether any such consent is unreasonably withheld or as to whether the terms and conditions attached to any such consent are unreasonable shall be determined by arbitration.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

77. The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water. Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Power to lay pipes in private streets.

78. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with this Act and as if the persons having the control or management of any street or road (not being a street or road belonging to a railway company and forming the approach to any station or depot of that company) included the county council:

Provided that the powers of this section shall not be exercised in regard to any street or road belonging to the Southern Railway Company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Company in

carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road.

A.D. 1937.

—  
PART V:  
—cont.

**79.** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes (which with all necessary modifications shall apply to the exercise of the powers conferred by this section) the Company may for the purpose of effecting telegraphic or telephonic communication between to or from the Company's works or offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus underground in any trench in which any pipes are laid for the purposes of the undertaking in any street road highway or footpath within the limits of supply:

Telephonic  
wires and  
apparatus  
in streets.

Provided that any mains tubes electric or other wires or apparatus laid down or maintained under the provisions of this section shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line:

32 & 33 Vict.  
c. 73.

Provided also that the Company shall not without the previous consent of the Southern Railway Company exercise the powers of this section in respect of any road which is the property of or is repairable by that railway company but such consent shall not be unreasonably withheld and shall be deemed to have been given if the said railway company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

**80.** If any difference shall arise between the Company and any road authority railway canal or other company whose lands or works the Company have power to cross under the authority of this Act for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other

Differences  
with road  
authority  
or railway  
or other  
company.

A.D. 1937. matter referred to in this Act the difference shall  
 — unless otherwise provided by this Act or the decision  
 PART V. of such authority or company is final be determined  
 —cont. by arbitration.

For pro-  
 tection of  
 Sheppy Gas  
 Company.

**81.** For the protection of the Sheppy Gas Com-  
 pany (hereinafter referred to as "the gas company")  
 the following provisions shall unless otherwise agreed  
 in writing between the Company and the gas company  
 apply and have effect (that is to say):—

Notwithstanding the stopping up temporarily of  
 any street under the powers of the section  
 of this Act of which the marginal note is  
 "Temporary stoppage of streets" the gas  
 company their engineers and workmen and  
 others in their employ shall at all times have  
 all such rights of access to all or any mains  
 pipes and other works and apparatus (all of  
 which are in this section referred to as "appa-  
 ratus") of the gas company situate in or under  
 such street as they would have had if such  
 street had not been stopped up and shall  
 be at liberty to execute and do all such works  
 and things in upon or under such street as may  
 be necessary for inspecting repairing maintaining  
 removing or renewing such apparatus.

## PART VI.

### LANDS.

Power to  
 acquire  
 lands.

**82.** Subject to the provisions of this Act the  
 Company may enter upon take and use such of the  
 lands delineated on the deposited plan and described  
 in the deposited book of reference as may be required  
 for the purposes of the new works.

Company  
 may acquire  
 easements  
 only.

**83.—(1)** The Company may in lieu of acquiring  
 any lands for the purposes of the new works where the  
 same are intended to be constructed underground  
 acquire such easements or rights only in such lands as  
 they may require for such purposes (including the making  
 enlarging renewing maintaining repairing inspecting  
 cleansing managing using working and obtaining access  
 to such works) and may give notice to treat in respect

A.D. 1937.

PART VI.  
—cont.

of such easements or rights describing the nature thereof and the rights which the Company require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act 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.

(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 to give effect to 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 or rights and any other restrictions ~~the owners and occupiers have the same~~ rights to use and cultivate the said lands at all times as if this Act had not been passed.

~~84.~~ If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Kent for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the county of Kent and a duplicate thereof with the clerk 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 copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan or book

Correction  
of errors in  
deposited  
plan and  
book of  
reference.

A.D. 1937.

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PART VI.  
—cont.

of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for  
compulsory  
purchase of  
lands.

**85.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease on the first day of October nineteen hundred and forty.

Persons  
under  
disability  
may grant  
easements.

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

Reserva-  
tion of  
easements  
&c.

**87.** The Company on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Acquisition  
of lands by  
agreement.

**88.** In addition to any lands acquired or held by the limited company at the appointed day or which the Company are authorised to acquire or hold the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or affecting any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed ten acres Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.



89.—(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 :

A.D. 1937.

PART VI.  
—cont.

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

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(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.

90. The Company may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may erect maintain and let dwelling-houses for and to such persons upon any lands for the time being belonging to the Company

Dwelling-houses for persons in Company's employ-

A.D. 1937. for the purposes of the undertaking and (subject  
— to the terms of the lease) upon any lands for the time  
PART VI. being leased to the Company for the purposes of the  
—cont. undertaking.

## PART VII.

## SUPPLY OF WATER &amp;C.

Limits of  
supply.

**91.** The limits of this Act for the supply of water by the Company shall be the parishes of Eastchurch Elmley and Minster in Sheppey in the rural district of Sheppey in the county of Kent.

As to  
pressure.

**92.** The water supplied by the Company shall not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir from which the supply is taken and it shall be in the discretion of the Company in every case to determine the particular service reservoir or tank from which the supply is to be taken.

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

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

Cisterns.

**94.** The Company may require that any dwelling-house erected after the passing of this Act situate on land at a higher level than fifty feet below the draw-off level of the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

As to  
section 72  
of Water-  
works  
Clauses Act  
1847.

**95.** Section 72 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation to the undertaking be read and have effect as if for the references therein to "ten pounds" and "annual value" respectively there were substituted references to thirteen pounds and to the net annual value ascertained by the valuation list in force for the time being under the Rating and Valuation Act 1925.

15 & 16  
Geo. 5. c. 90.

**96.**—(1) Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

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PART VII.  
—cont.

Rates payable by owners of houses let for short periods.

(2) Nothing in this section shall limit or affect the operation of section 72 of the Waterworks Clauses Act 1847 as incorporated with this Act.

**97.**—(1) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates for each quarter of the year specified in the Second Schedule to this Act.

Rates for domestic supply.

(2) The net annual value of any such premises in the first year of any quinquennial period under the Rating and Valuation Acts shall be ascertained by the valuation list in force during the last year of the previous quinquennial period and in any other year shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues :

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

(3) In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made)

A.D. 1937.

PART VII.

—cont.

on any premises within the limits of supply a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply by  
measure.

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

Price of  
supply by  
measure.

**99.** The price to be charged for a supply of water by measure shall not exceed four shillings per thousand gallons Provided that except as otherwise by this Act expressly provided the Company shall be entitled to charge for water supplied by measure in any quarter of a year a minimum sum (exclusive of meter rent) which shall be not less than ten shillings.

Revision of  
rates and  
charges.

**100.**—(1) If the Company or the council of any county district having jurisdiction within the limits of supply apply to the Minister for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the Minister made in pursuance of this section and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may by order (subject to the provisions of subsection (3) of this section) vary either by way of increase or decrease such rates and charges or any of them and such order shall fix the date on which the rates and charges so varied shall come into force Provided that in the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges at less intervals than five years.

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

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

101.—(1) The Company shall not be bound to supply to  
*Supply to*  
*houses*  
*partly used*  
*for trade*  
*&c.*  
(a) any building used otherwise than by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(b) any public institution mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or

(c) any boarding house capable of accommodating twelve or more persons including the persons usually resident therein; or

(d) any other institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any

A.D. 1937. of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

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PART VII.  
—cont.

Charges for  
horses and  
washing  
vehicles.

**102.**—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a stand-pipe or tap be fixed on such premises charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first. Provided that if a hose-pipe or other similar apparatus be used in connection with the said stand-pipe or tap the Company may charge as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

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

**103.**—(1) Where a person who takes a supply of water for domestic purposes from the Company otherwise than by measure desires to use any of the water so supplied for operating—

(a) a water-cooled refrigerating apparatus; or

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

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

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PART VII.  
—cont.

the Company may if they think fit require that all water so used shall—

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

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

**104.**—(1) Notwithstanding anything in this Act contained a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special  
terms for  
supplies to  
caravans  
shacks &c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them

A.D. 1937.

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PART VII.  
—cont.

shall be paid and the decision of the justices shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Company shall not (unless required so to do by the Minister) supply water to any such structure as aforesaid if the local authority of the district in which such structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the structure is situate objects to such supply being given the Company shall before affording such supply give to such local authority not less than fourteen days' notice in writing of their intention so to do.

As to  
quarterly  
dates for  
payment of  
water rates.

**105.** Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 contained 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.

As to net  
annual  
value of  
two or more  
houses in  
one occu-  
pation.

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

Discount  
for prompt  
payment of  
water rates.

**107.** The Company may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers 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.

A.D. 1937.

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PART VII.  
—cont.

**108.** If a justice is satisfied on complaint by any collector of the Company 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 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 said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery  
of rates  
from  
persons  
removing.

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

Separate  
communi-  
cation pipes  
may be  
required.

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

**110.** Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer or manager of the Company.

Mainten-  
ance of  
common  
pipe.

**111.** Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipes therewith and the

Company  
to connect  
communi-  
cation pipes  
with mains.

A.D. 1937.

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PART VII.  
—cont.

Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Notice of  
discontinu-  
ance.

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

Supply of  
water by  
Company  
to premises  
outside  
limits of  
supply.

**113.**—(1) The Minister if he is satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the Company as in the opinion of the Minister are necessary in order to give full effect to the order.

(3) An order shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the county council and of the local authority within whose area and of any undertakers for the supply of water within whose limits of supply the premises are situate. The consent of the county council may be given subject to terms and conditions.

(4) (a) An order made under this section shall cease to have effect with respect to any premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give

a supply of water to such premises and give not less than one month's notice thereof to the Company.

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PART VII.  
—cont.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such portion of the expenditure incurred by the Company within the area of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration.

**114.** Where the limits of supply are bounded by or abut upon any street or road outside such limits the Company may for the purpose of supplying water to the owner or occupier of any premises within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the limits of supply :

As to streets and roads forming boundary of limits of supply.

Provided that nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises outside the limits of supply.

**115.** The Company may enter into and carry into effect agreements with any authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Contracts for supplying water in bulk.

Provided that such supply shall not be given except with the consent of any authority company or person supplying water under parliamentary authority within the area to be supplied nor if and so long as such supply

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PART VII.  
—cont.

would interfere with the supply of water for domestic purposes within the limits of supply but nothing in this section shall authorise the Company to lay any mains or other pipes or interfere with any street beyond the limits of supply.

Purchase  
of water in  
bulk.

**116.** The Company may enter into and carry into effect agreements with any authority company body or person supplying water under parliamentary authority or subject to the consent of the Minister with any other company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the undertaking.

Power to  
sell meters.

**117.** The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

As to  
register of  
meters.

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

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the

like manner as rates for water are recoverable by the Company.

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—cont.

Power to  
supply  
fittings.

**119.**—(1) The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlords' remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

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

Power to  
remove  
meters and  
fittings.

**121.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who

Injuring  
meters and  
fittings.

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PART VII.

—cont.

fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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

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

Byelaws  
for pre-  
venting  
waste of  
water.

**122.**—(1) The Company may make byelaws—

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and

strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination;

(b) as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings or apparatus and prescribing the charge to be made for such testing and stamping.

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

(3) All such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and all penalties imposed for 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 of the Company were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) The Company shall on or before the date upon which notice of any such byelaws is first given in any local newspaper in pursuance of subsection (3) of

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PART VII.  
—cont.

23 & 24  
Geo. 5. c. 51.

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PART VII.  
—cont.

section 250 of the Local Government Act 1933 send a copy of the byelaws to the local authority for every district in which the byelaws are intended to be in force.

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

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

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses or used in offices not forming part of a railway station.

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

Meters &c.  
to measure  
water or  
detect  
waste.

**123.** Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public



and private streets roads lanes footways courts passages  
tramways sewers pipes wires and apparatus :

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PART VII.

—cont.

Provided that—

- (i) the Company shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;
- (ii) the powers of this section shall not be exercised in regard to any street or road belonging to the Southern Railway Company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Company in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road.

**124.**—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Opening of ground by persons liable to maintain pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and subject to the terms of the agreement any expense incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

**125.** If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case

Power to Company to repair communication pipes.

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PART VII.

—cont.

without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Penalty for  
opening  
valves and  
apparatus.

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

Penalty for  
closing  
valves and  
apparatus.

**127.** Every person who shall wilfully (without the consent of the Company) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

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

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PART VII.

—cont.  
Extension  
of power  
to inspect  
premises.

**129.** The sections of the Waterworks Clauses Act 1847 relating to fireplugs shall in their application to the Company and to any urban or rural district within the limits of supply have effect as if the council of such district were therein substituted for the town commissioners and as if the reference in section 38 of the said Act to the proper position or number of fireplugs included a reference to the pattern and price of the fireplugs :

Provisions  
as to  
fireplugs.

Provided that if the pattern of any fireplug which may in case of any difference of opinion be settled under the provisions of the said section 38 shall cause or allow a waste of water or an access of air to the mains of the Company then the Company may have the same removed and the expense of such removal shall be borne by the district council affected and the Company in equal shares.

**130.—(1)** The Company may from time to time and if required by the Admiralty the Army Council or the Air Council (each of which is referred to in this section as a "department") shall enter into and carry into effect agreements with the department by which an agreement is desired for the supply of water by meter for use in any of His Majesty's naval military or air force establishments which may at any time be situate within the limits of supply :

Supply of  
water to  
naval  
military or  
air force  
establish-  
ments.

Provided that the Company shall not be under any obligation to supply a department with water for other than domestic purposes if and whenever such a supply would interfere with the sufficiency of the supply of water for domestic purposes to a department or other consumers within the limits of supply.

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PART VII.

—cont.

(2) The price to be paid for water supplied to a department shall not exceed—

(a) the maximum price from time to time chargeable by the Company for a supply of water by meter reduced by an abatement of fifteen per centum as respects any quarter in which the total quantity of water supplied by the Company to the three departments shall exceed twenty thousand gallons; or

(b) the lowest price charged by the Company for a supply of water by meter to any other large consumers under similar circumstances and conditions;

whichever may be the less.

(3) If the Company and a department desiring a supply of water under this section are unable to agree upon the price to be paid for water or upon the other terms and conditions on which a supply is to be afforded by the Company or if a party to an agreement under this section considers at any time that it is desirable or equitable that the agreement should be altered and the parties to the original agreement cannot agree on the alteration then the price to be paid for water or the other terms and conditions or the alteration to be made in the original agreement as the case may be shall be settled by arbitration and the arbitrator may by his award direct the persons by whom any mains necessary for the supply of water shall be provided and laid and may apportion the cost of the provision and laying of the mains between the Company and a department:

Provided that the Company shall not be required by the arbitrator to bear in respect of the cost of the provision and laying of any main any sum in excess of eight times the estimated amount of the yearly sum payable to the Company for the water to be supplied by means of that main.

## PART VIII.

## PROTECTIVE PROVISIONS.

**131.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises

Crown  
rights.

the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

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PART VIII.  
—cont.

**132.** The following provisions for the protection of the county council shall unless otherwise agreed in writing apply to the exercise of the powers of the Company so far as they affect any road vested in or which may hereafter become vested in the county council (in this section called a "county road") or any bridge for the time being maintained by or at the expense of the county council (in this section called a "county bridge" which expression shall include the road over such bridge and the approaches thereto and any culvert) in the county of Kent:—

For pro-  
tection of  
Kent  
County  
Council.

- (1) The provisions of this section shall be in addition to and not in substitution for the provisions of the Waterworks Clauses Act 1847 (in this section called "the Act of 1847") with respect to the breaking up of streets for the purpose of laying pipes except so far as such last mentioned provisions are expressly varied by the provisions of this section:
- (2) All mains pipes and works of the Company to be laid in or along any county road or in or upon or across any county bridge shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of their surveyor (in this section called "the county surveyor") may reasonably direct:
- (3) The notice required by section 30 of the Act of 1847 to be given to the county council shall (except for laying connecting or repairing communication pipes as to which three days' notice shall be given and except in cases of leakage bursting or other emergency) be not

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PART VIII.  
—cont.

less than seven clear days instead of three clear days :

- (4) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the plan required by section 31 of the Act of 1847 shall be accompanied by a section and description of the proposed works and shall (except as aforesaid) be delivered to the county surveyor by the Company not less than seven days before the Company commence to interfere with any county bridge or open or break up any county road for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 31. If the county surveyor shall not within seven days after the plan section and description shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (5) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of the Company shall not (so far as may be reasonably practicable) be placed on the metalled portion of any county road or in or upon any county bridge without the written consent of the county surveyor and subject to such conditions (other than a payment of money) and directions as he may reasonably require or give :
- (6) Subject to the rights of all parties claiming to be entitled thereto all surplus paving metalling or materials removed during the laying of the mains pipes or works on any county road or in upon or across any county bridge and not required by the Company for the purpose of reinstating and making good the said road or bridge may be used by the

county council for the maintenance and repair of any county or other road and may be removed by the county council for that purpose :

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PART VIII.  
—cont.

- (7) Except so far as is provided by paragraph (2) of this section nothing in this Act shall authorise the Company to interfere with the structural part of any county bridge without the consent in writing of the county surveyor. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county surveyor may reasonably determine :
- (8) Nothing in this Act shall in any way limit or affect the right of the county council at any time or times to remove alter rebuild widen or repair any county bridge in over or attached to which any mains pipes or works of the Company are carried in the same manner as the county council might have removed altered rebuilt widened or repaired any such bridge if this Act had not been passed and such mains pipes and works had not been constructed or laid in over or attached to such bridge and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation. In the event of any such bridge in over or attached to which any such mains pipes or other works are laid being removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Company shall at their own cost as and when requested by the county surveyor by not less than fourteen days' notice in writing remove or alter the position of the said mains pipes and works and the works by which the same are carried in over or attached to any such bridge as aforesaid and replace the same to the reasonable satisfaction of the county surveyor :

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PART VIII.

—cont.

Provided that during any such removal alteration rebuilding widening or reparation of such bridge as aforesaid the county council shall afford to the Company all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Company may carry such mains and pipes accordingly and when the altering rebuilding widening or reparation of such bridge shall have been completed the Company shall have the same rights and powers with respect to such bridge as they had before the works were carried out :

- (9) Nothing in this Act shall in any way limit or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter or improve any county road in under or along which any mains pipes or works of the Company shall have been laid and the Company shall as and when requested by the county surveyor by not less than fourteen days' notice in writing alter the position of the said mains pipes and works at the cost of the county council in all things in such manner and to such extent as may be agreed upon between the county council and the Company or in case of difference as shall be determined by arbitration :
- (10) All works shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any county road or county bridge and the Company shall not open or break up at any one time a greater continuous length than one hundred and fifty yards of any county road at any place where not more than two carts can pass at the same time or than seventy-five yards where only one cart can pass and shall leave an interval of at least one hundred yards between any



two places at which they may open or break up such road at the same time :

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PART VIII.  
—cont.

(11) All costs charges amounts and expenses payable by the Company to the county council under the provisions of this section shall be recoverable as a debt due from the Company to the county council :

(12) The county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any mains pipes or other works of the Company laid fixed and executed after the sixth day of February one thousand nine hundred and thirty in under or along the metalled portion of any county road or of the roadway over a county bridge or the approaches thereto arising from the use by the county council of any steam or other roller for the repair of any such road or of any traction engine not exceeding fifteen tons in weight :

(13) If any difference at any time arises between the county council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration.

**133.**—(1) If it shall be proved by the county council that the pumping by the Company at either Work No. 1 authorised by this Act or Work No. 3 authorised by the Sheppey Water Order 1929 (and in the case of the said Work No. 1 whether during the construction or after the completion of that work) has caused through no default of the county council a diminution or cesser of the supply of water in the well of the county council at the county hospital Sheppey the Company shall on the written request of the county council afford to the county council a supply of water equal to the difference between the amount which the county council can obtain at any time from the said well and the amount which the county council would have been able to obtain had the said works or either of them not been constructed and operated The price to be paid for the supply of water so afforded by the

For further  
protection  
of Kent  
County  
Council.  
20 & 21  
Geo. 5.  
c. xxxix.

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PART VIII.  
—cont.

Company to the county council shall be a sum equal to such cost or rate (if any) as shall be equal to the cost which would have been incurred by the county council in obtaining from the said well the amount of water supplied by the Company and such supply shall be subject to such other terms as may be agreed or failing agreement may be settled by arbitration.

(2) The Company shall not be liable in respect of any claim made by the county council under this section if the county council shall after reasonable demand refuse to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to the said well of the county council and facilities for ascertaining particulars thereof and the level and quantity or rate of flow of the water therein.

(3) The Company shall not be subject to the obligations of subsection (1) of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(4) For the purpose of affording a supply under this section the Company may carry out all such works as are necessary for that purpose.

(5) The county council shall grant to the Company without payment all such easements and facilities as may be necessary for or in connection with the execution of the works required to enable the Company to carry out their obligations under this section.

(6) Any question dispute or difference which may arise between the Company and the county council under the foregoing provisions of this section shall be determined by arbitration.

(7) The Company and the county council may enter into and fulfil agreements with reference to the supply of water by the Company to the county council 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 the county council or to the Company in relation to the county council.

**134.** For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Company apply and have effect:—

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PART VIII.

—cont.

For pro-  
tection of  
Southern  
Railway  
Company.

- (1) In laying down repairing or removing any mains pipes or culverts under the powers of this Act upon across over under or in any way affecting the railway of the railway company or any bridge maintained by the railway company or any approaches to any such bridge or within the railway company's boundaries (in this section called "the railway works") the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer of the railway company and according to such plans as shall be previously reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner in this section provided:

Provided that if the said engineer does not express his approval or disapproval of the said plans within twenty-one days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Company may execute the work without his superintendence:

- (2) All such works as are mentioned in paragraph (1) of this section shall be executed by and at the expense in all things of the Company and so as to cause as little injury as may be to the railway works and the Company shall within the railway company's boundaries so execute any such works as aforesaid as to interfere with or impede as little as possible any improvement or widening of the railway which may be carried out by the railway company under any powers vested in them at the passing of this Act:

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PART VIII.

—cont.

- (3) The Company shall if required so to do by the said engineer provide and maintain such stop-cocks as may be reasonably necessary on any mains or pipes to be laid by the Company on over or under or in any way affecting the railway company's property :
- (4) If any injury or damage to the railway works or property of the railway company or any interruption to the traffic of the railway company shall be in any way occasioned by the Company or by their contractors agents or workmen in executing any such works as aforesaid the Company shall make compensation to the railway company in respect thereof and the amount of such compensation shall if not agreed be determined by arbitration as provided in this section :
- (5) All such mains pipes and culverts of the Company as aforesaid laid or placed upon across over or under the railway works shall be at all times maintained in good repair by the Company and if not so maintained the railway company from time to time by notice in writing signed by the said engineer and delivered at the principal office for the time being of the Company may require the Company forthwith to put into good repair any such main pipe or culvert as aforesaid which may be in want of repair If the Company for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company without any further notice to the Company may repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Company :

Provided that—

(a) in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or culvert as aforesaid being in want of repair the railway company

may without giving such notice as aforesaid make such repairs as may be immediately necessary and the reasonable expenses of the same shall be repaid as hereinbefore provided;

(b) the railway company shall as soon as possible give notice to the Company of their intention to execute the same and any reasonable costs and expenses to which the railway company may be put by reason of any such repairs shall be repaid to them by the Company:

- (6) All additional expense which the railway company may reasonably and properly incur in widening altering reconstructing or maintaining the railways or the works connected therewith under any powers vested in them at the passing of this Act by reason of the existence of any such mains pipes or culverts of the Company as aforesaid shall be paid by the Company:
- (7) The Company shall bear and on demand pay to the railway company all reasonable costs of watching lighting and protection of the railway works with reference to and during the laying down repairing or removing by the Company of any such main pipe or culvert as aforesaid so far as such costs may be agreed or determined by the arbitrator to have been necessary:
- (8) Any difference which may arise between the railway company and the Company touching any of the matters referred to in this section shall be determined by arbitration.

**135.**—(1) Notwithstanding anything in this Act contained the Sheerness and District Electric Supply Company Limited (in this section called “the Sheerness Company”) shall be entitled to continue to take a supply of water from the Sheppey Rural District Council under the provisions and during the subsistence of any agreement or arrangement in force between the Sheppey Rural District Council and the Sheerness Company at the date of this Act.

(2) On such date as the Sheerness Company shall cease to take a supply of water from the Sheppey

A.D. 1937.

—  
PART VIII.

—cont.

For pro-  
tection of  
Sheerness  
and District  
Electric  
Supply  
Company  
Limited.

A.D. 1937. Rural District Council under any existing agreement or at an earlier date if so desired by the Sheerness Company the Company shall supply and the Sheerness Company shall take for the purposes of their undertaking for such period as may be agreed or in case of difference may be settled by arbitration a supply of water on terms not less favourable to the Sheerness Company than the said terms upon which the Sheerness Company are at present taking a supply of water from the Sheppey Rural District Council and notwithstanding that such supply of water may be required by the Sheerness Company for purposes other than domestic purposes.

—  
PART VIII.  
—cont.

For protection of electricity undertakers.

45 & 46 Vict.  
c. 56.

62 & 63 Vict.  
c. 19.

**136.** Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section and of sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899 and such provisions shall be deemed for the purposes of this section to extend to and include any works of such undertakers placed upon or above ground.

## PART IX.

### MISCELLANEOUS.

Power to make donations subscriptions &c.

**137.** The Company may subscribe or make donations to infirmaries and hospitals and convalescent homes and other similar institutions and objects or to industrial exhibitions or to benevolent accident or sick funds of the officers servants and employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Inquiries by Minister.

**138.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred on him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Copy of Act to be registered.

**139.** The limited company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy

is not so delivered within three months from the passing of this Act the limited company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the limited company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section, shall be recoverable summarily.

A.D. 1937.

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PART IX.  
—cont.

There shall be paid to the registrar by the limited company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

19 & 20  
Geo. 5. c. 23.

**140.** Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid or of a collector of the Company being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Form and  
service of  
notices by  
Company.

**141.** 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

Arbitration.

A.D. 1937.

[Ch. xlvii.]

*Sheppey Water  
Act, 1937.*

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

PART IX.

—cont.

52 & 53 Vict.  
c. 49.

24 & 25  
Geo. 5. c. 14.

Judges not  
disqualified.

notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to the reference.

**142.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Several  
sums in one  
summons.

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

Penalties  
not cumu-  
lative.

**144.** Penalties imposed under any Act or Order for the time being relating to the Company for one and the same offence shall not be cumulative.

Recovery of  
penalties &c.

**145.** Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaws made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
demands.

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

Costs of  
Act.

**147.** 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 limited company and may in whole or in part be charged against revenue.



The SCHEDULES referred to in the  
foregoing Act.

A:D. 1937.

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FIRST SCHEDULE.

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PART I.

ORDERS RELATING TO THE LIMITED COMPANY REPEALED.

The Sheppey Water Order 1929 confirmed by the Ministry of Health Provisional Order Confirmation (Sheppey Water) Act 1930 (20 Geo. 5. c. xxxix).

The Sheppey Water Order 1934 confirmed by the Ministry of Health Provisional Order Confirmation (Sheppey Water) Act 1934 (24 and 25 Geo. 5. c. lxii).

PART II.

PROVISIONS OF ORDERS RELATING TO THE LIMITED  
COMPANY SAVED FROM REPEAL.

*Sheppey Water Order 1929.*

\* \* \* \* \*

8. The Undertakers shall not supply water within the following parts of the parish of Eastchurch without the consent of Warden and Eastchurch Estates Limited or their successors in title so long as the said Company or their said successors are possessed of the Warden Point Building Estate :—

Supply of water on Warden and Eastchurch Estates.

(1) That part of the said parish which is bounded by an imaginary line commencing at a point on the north side of the road from Mud Row to Warden Point 150 yards or thereabouts north-east of Cartts Farm thence drawn in a north-westerly direction along the fence past the western side of Manor Cottage to Barrows Brook thence up the said brook to the north-east corner of the orchard situate on the east side of Sampsons Hall thence in a southerly direction along the fence to the fence in the rear of the Wheat Sheaf public-house thence along the eastern side of the cottage adjoining the said public-house on the east side thereof to Mud Row thence along the northern side of the said road from Mud Row to Warden Point skirting the northern

A.D. 1937.

—  
1ST SCH.  
—cont.

side of the premises now occupied by Doctor Peake and terminating at the point of commencement of the said imaginary line; and

- (2) That part of the said parish which is bounded by an imaginary line commencing at a point where the boundary of the said parish crosses the road from Mud Row to Warden Point thence drawn in a westerly direction along the said road to bench mark 163 thence in a southerly direction along the fence to the south-west corner of the enclosure numbered 310 on the 1/2500 Ordnance Map (Kent Sheet XIV-14 Edition of 1907) thence along the south side of the said enclosure and along the northern and eastern sides of the enclosure numbered 315 on the said Ordnance Map and terminating at a point where the eastern boundary of the said enclosure joins the boundary of the said parish.

\* \* \* \* \*

Power to  
construct  
and main-  
tain water-  
works.

19.—(1) Subject to the provisions of this Order the Undertakers may in upon or under the lands and in or under the streets roads or highways shown on the deposited plans construct and maintain in the lines and according to the levels shown on the deposited plans and sections the following works in the county of Kent :—

WORK No. 1.—A well and pumping station in upon or under a piece of land situate in the parish of Eastchurch in the rural district of Sheppey containing by admeasurement 3,330 square yards or thereabouts abutting on the road leading from Minster to Warden and forming part of the enclosure numbered in that parish 356 on the 1/2500 Ordnance Map (Kent Sheet XIV-13 Edition 1908);

WORK No. 2.—A line or lines of pipes commencing in the said parish of Eastchurch at the well and pumping station (Work No. 1) passing along the road in the said parish and in the parish of Minster in Sheppey in the said rural district leading from Warden to Minster in a westerly direction to the Plough Inn thence in a southerly direction across the enclosure numbered in the said parish of Eastchurch 217 on the 1/2500 Ordnance Map (Kent Sheet XIII-16 Edition 1908) and across Chequers Hill Road into the enclosure numbered in that parish 216B on the said Ordnance Map and terminating in that enclosure in the reservoir (Work No. 4) hereinafter described.

(2) The Undertakers may also in upon or under the lands where the same are situate maintain and continue the following existing waterworks in the county of Kent and may from time

to time alter enlarge renew and improve the same together with all mains pipes machinery and other works as may be necessary or convenient in connection therewith or subsidiary thereto that is to say :—

A.D. 1937.

—  
1st Sch.  
—cont.

WORK No. 3.—A well and pumping station with reservoir and water tower situate in the said parish of Minster in Sheppey in the enclosure numbered in that parish 340B on the 1/2500 Ordnance Map (Kent Sheet XIII-11 Edition 1908);

WORK No. 4.—A reservoir situate in the said parish of Eastchurch in the enclosure numbered in that parish 216B on the 1/2500 Ordnance Map (Kent Sheet XIII-16 Edition 1908);

and the Undertakers may maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or either of them.

(3) The powers conferred by this article shall be exercised by the Undertakers only so long and so far as they are possessed of interests rights or easements in the lands (other than highways) in upon or under which the works mains pipes or machinery are or are to be placed entitling them so to do.

\* \* \* \* \*

55. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of any description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown  
rights.

56.—(1) Nothing in this Order contained authorises the Undertakers—

For protec-  
tion of  
War Office  
Admiralty  
and Air  
Council.

(a) to take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (in this article called "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing (which consent

A.D. 1937.

—  
1ST SCH.  
—cont.

the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Undertakers); or

(b) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State (including any rights privileges or powers for the Defence of the Realm) whether under any statute or regulation or otherwise without such consent as aforesaid.

(2) This article shall take effect notwithstanding that any such land as in this article mentioned may be delineated in the deposited plans or mentioned in article 19 of this Order.

(3) The provisions of this article shall extend to the Admiralty subject to this modification that references to the Secretary of State shall be read as references to the Admiralty.

(4) The provisions of this article shall extend to the President of the Air Council subject to this modification that references to the Secretary of State shall be read as references to the President of the Air Council.

Works below high-water mark to be subject to approval of Board of Trade.

57.—(1) Subject to the provisions of this Order any work authorised by this Order shall be constructed only so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as that Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this article the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Undertakers and the amount of such cost shall be a debt due from the Undertakers to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

*Sheppey Water Order 1934.*

\* \* \* \* \*

Confirma-  
tion of con-  
struction  
of works.

5. Notwithstanding the provisions of section 22 (Completion of works) of the Order of 1929 the construction of Work No. 1 and Work No. 2 authorised by that Order is hereby sanctioned and confirmed and the said works shall for all purposes whatsoever form part of and be comprised in the undertaking.

SECOND SCHEDULE.

A.D. 1937.

Net annual value.		Rates per quarter.		
		£	s.	d.
Does not amount to £6	- - - - -	0	7	6
Amounts to £6 but does not amount to £8	- - - - -	0	9	0
„ £8	„ „ £10	0	10	6
„ £10	„ „ £12	0	12	0
„ £12	„ „ £14	0	13	6
„ £14	„ „ £16	0	15	0
„ £16	„ „ £18	0	16	6
„ £18	„ „ £20	0	18	0
„ £20	„ „ £22	0	19	6
„ £22	„ „ £24	1	1	0
„ £24	„ „ £26	1	2	6
„ £26	„ „ £28	1	3	3
„ £28	„ „ £30	1	4	0
„ £30	„ „ £32	1	4	9
„ £32	„ „ £34	1	5	6
„ £34	„ „ £36	1	5	10½
„ £36	„ „ £38	1	6	3
„ £38	„ „ £40	1	6	7½
„ £40	„ „ £42	1	7	0
„ £42	„ „ £44	1	7	4½
„ £44	„ „ £46	1	7	9
„ £46	„ „ £48	1	8	1½
„ £48	„ „ £50	1	8	6
Exceeds £50	- - - - -	- 3½ per cent. of net annual value.		

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