



## CHAPTER xliii

An Act to authorise the transfer to the Mid-Wessex Water Company of the water undertaking of the mayor aldermen and burgesses of the borough of Basingstoke to extend the limits of supply of the Company and for other purposes.

[29th July 1959.]

**W**HEREAS the Mid-Wessex Water Company (hereinafter referred to as "the Company") were incorporated by the Frimley and Farnborough District Water Act 1893 by the name of the Frimley and Farnborough District Water Company and their name was changed to that which they now bear by the Mid-Wessex Water Act 1935:

And whereas the Company are authorised by the Mid-Wessex Water Acts and Orders 1893 to 1957 to supply water and are under the said Acts and Orders supplying water within an area of some four hundred and ten square miles in parts of the counties of Berks Hampshire and Surrey (hereinafter in this Act referred to as "the existing limits"):

And whereas the mayor aldermen and burgesses of the borough of Basingstoke (hereinafter referred to as "the corporation") in pursuance of their general powers under the Public Health Act 1936 are the water undertakers for the whole of the said borough and the said borough is bounded on all sides by the existing limits:

And whereas agreement has been reached with the corporation for the transfer to the Company of their water undertaking:

And whereas it is expedient to transfer the water undertaking of the corporation to the Company on the terms and conditions hereinafter in this Act set out and to extend the existing limits to include the area now supplied by the corporation:

And whereas it is expedient that such further powers should be conferred upon the Company and that such further provisions should be enacted as are in this Act contained:

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

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

## PART I

### PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Mid-Wessex Water Act 1959.

(2) The Mid-Wessex Water Acts and Orders 1893 to 1957 and this Act may be cited together as the Mid-Wessex Water Acts and Orders 1893 to 1959.

Division of Act into Parts.

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

Part I.—Preliminary;

Part II.—Transfer of Basingstoke undertaking;

Part III.—Extension of limits of supply;

Part IV.—Finance;

Part V.—Miscellaneous.

Incorporation of enactments.

3.—(1) The following enactments (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:—

(a) the Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of the borrowed money into capital and sections 122 145 161 and 162);

(b) the Companies Clauses Act 1863 (except Parts III and IV thereof) :

Provided that section 98 of the said Act of 1845 as so incorporated shall have effect as if after the words "shall be signed by the chairman of such meeting" there were inserted the words "or of the next succeeding meeting".

(2) For the purposes of such incorporation the term "special Act" shall be construed as a reference to this Act and the term "company" shall mean the Company.

(3) Section 94 of the Third Schedule to the Act of 1945 shall apply to the undertaking for the purposes of this Act.



4.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) —

“ the Act of 1945 ” means the Water Act 1945;

“ the added limits ” means the area described in the First Schedule to this Act ;

“ the Basingstoke undertaking ” means the water undertaking of the corporation as existing on the day of transfer and subject to the provisions of this Act includes—

(a) all lands (including any interest in land) buildings waterworks water sources of supply machinery mains pipes meters plant spare parts tools apparatus vehicles stocks stores furniture and other real and personal property assets and effects rights powers privileges liabilities and obligations held or used by the corporation solely for or in relation to their water undertaking immediately before the day of transfer or to which they were then subject for or in relation to that undertaking ;

(b) the benefit of all contracts in force on the day of transfer in respect of the said undertaking subject to any obligations thereunder ;

(c) all registers books maps plans specifications engineering reports and other documents relating solely to the said undertaking;

but does not include—

(i) any funds money or securities for money of the corporation whether invested or in hand other than money or securities for money representing the unexpended balance of any sum borrowed by the corporation for the purposes of their water undertaking and other than money deposited with the corporation ; or

(ii) any liabilities or obligations in respect of any sum borrowed as aforesaid (including a bank overdraft) ;

“ the Company ” means the Mid-Wessex Water Company ;

“ the corporation ” means the mayor aldermen and burgesses of the borough of Basingstoke ;

“ the day of transfer ” means the first day of April nineteen hundred and sixty ;

“ enactment ” means any provision of a public general Act of a local private or personal Act of a Provisional Order confirmed by an Act or of any regulation or order made under an Act ;

PART I  
—cont.

“ the existing limits ” means the limits within which the Company are authorised to supply water by the Mid-Wessex Water Acts and Orders 1893 to 1957 ;

“ the limits of supply ” means the limits within which the Company are for the time being authorised to supply water ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ the undertaking ” means the undertaking of the Company as for the time being authorised.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## TRANSFER OF BASINGSTOKE UNDERTAKING

Vesting of  
Basingstoke  
undertaking  
in Company.

5. Subject to the provisions of this Act on the day of transfer the Basingstoke undertaking shall by virtue of this Act be transferred to and vest in the Company and become and be part of the undertaking freed and discharged from all mortgages charges and liens and from all debts and liabilities of the corporation subsisting on the day of transfer.

Consideration  
payable to  
Basingstoke  
Corporation.

6. In consideration of the transfer to and vesting in the Company of the Basingstoke undertaking the Company shall on the day of transfer or so soon as the amount to be paid has been ascertained pay to the corporation the sum to be certified by the borough treasurer of the corporation and approved by the auditors of the Company as being equal to the aggregate of—

(a) the amount of the capital expenditure incurred by the corporation for the purposes of the Basingstoke undertaking between the thirty-first day of March nineteen hundred and fifty-seven and the day of transfer; and

(b) the amount equal to the then current value of all expendable stores which immediately before the day of transfer were held on revenue account by the corporation in respect of the Basingstoke undertaking and which by this Act are transferred to the Company;

together with the sum of thirty-five thousand pounds.

Payment of  
consideration  
by  
instalments.

7. The Company and the corporation may agree that instead of paying as the price or consideration a sum ascertained in accordance with the immediately preceding section or any part of that sum the Company shall for such period as may be agreed make to the corporation such payments as may be equivalent to the said price or consideration or such part thereof.



8. If the price or consideration for the transfer of the Basingstoke undertaking or (subject to the provisions of any agreement made under the immediately preceding section) so much thereof as under any such agreement is payable on the day of transfer is not paid on that day interest shall be payable thereon from the day of transfer to the date of payment at the same rate per centum per annum as that from time to time prevailing in respect of interest on loans for not more than five years made to local authorities by the Public Works Loan Commissioners.

Payment of interest.

9. All rates rents charges and other sums of money which at the day of transfer are due and payable or accruing due and payable to the corporation in connection with the Basingstoke undertaking shall notwithstanding anything in this Act or the transfer to the Company of the Basingstoke undertaking pursuant to this Act continue to be so due and payable or accruing due and payable and save as may be otherwise agreed between the corporation and the Company may be collected and recovered—

Collection of outstanding debts in respect of Basingstoke undertaking.

(a) by the corporation if they shall have become due and payable before the day of transfer; and

(b) by the Company if they shall become due and payable on or after the day of transfer.

10.—(1) The corporation shall be entitled to and may recover all rates rents charges and sums of money and shall discharge and pay all debts outgoings and liabilities in respect of the Basingstoke undertaking which may accrue due up to or shall have accrued due or become payable before the day of transfer and the Company shall be entitled to and may recover all rates rents charges and sums of money and shall discharge and pay all debts outgoings and liabilities (other than in respect of any mortgages charges and liens of the corporation and other than such as may be incurred or made in contravention of section 16 (Exercise of powers until transfer) of this Act) in respect of the Basingstoke undertaking which may accrue due or become payable on or after that day and where necessary for the purpose of this section all such revenues and outgoings shall be apportioned between the corporation and the Company:

As to receipts and debts to day of transfer.

Provided that so much of the said rates rents charges and sums of money received by the corporation and so much of the said debts outgoings and liabilities discharged by them as is attributable to any period subsequent to the day of transfer shall be paid by them to the Company or (as the case may be) shall be paid by the Company to them and so much of the said rates rents charges and sums of money received by the Company in respect of the Basingstoke undertaking and so much of the said debts outgoings and liabilities discharged by them as is attributable to the period prior to the day of transfer shall be paid by the Company to the



PART II  
—cont.

corporation or (as the case may be) shall be repaid to the Company by them.

(2) Any debts outgoings and liabilities referred to in this section shall include local rates taxes and assessments.

(3) Any question which may arise under this section between the corporation and the Company shall be determined by arbitration.

Actions etc.  
not to abate  
and penalties  
to be  
recoverable.

11. Any action arbitration or proceeding and any cause of action arbitration or proceeding which shall at the day of transfer be pending or existing by or against or in favour of the corporation shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer to and vesting in the Company of the Basingstoke undertaking but may be continued prosecuted and enforced by or against or in favour of the corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the corporation if the transfer of the Basingstoke undertaking had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the corporation before the day of transfer may be sued for and all offences committed against such provisions before the day of transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer of the Basingstoke undertaking had not taken place.

Saving of  
contracts.

12. Subject to the provisions of this Act all contracts agreements conveyances deeds leases and licences and other instruments affecting the corporation so far as they relate to the Basingstoke undertaking and in force at the day of transfer shall as from that date be as binding and of as full force and effect against or in favour of the Company and may be enforced as fully and effectually as if instead of the corporation the Company had been a party thereto or bound thereby or entitled to the benefit thereof but nothing in this Act or done thereunder shall prejudice or affect the right of the Company to terminate any such contract or agreement at such time and in such manner as it might have been terminated if this Act had not been passed:

Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Company if entered into or made in contravention of section 16 (Exercise of powers until transfer) of this Act.

Books etc.  
to remain  
evidence.

13.—(1) All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the corporation shall on and after the day of transfer be admitted in evidence in respect of the same or like matter for or against the Company.

(2) All officers and persons who at the day of transfer have in their possession or under their control any books documents papers money or effects forming part of the Basingstoke undertaking or relating exclusively thereto or to which the corporation would but for the transfer of the Basingstoke undertaking to the Company have been entitled shall be liable to account for and deliver them up to the Company or to such person as the Company may appoint to receive them and shall be subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the Company.

PART II  
—cont.

14. The Company shall be entitled to inspect and at their own expense to obtain copies of all registers books maps plans specifications engineering reports and other documents not transferred by virtue of this Act which relate to the Basingstoke undertaking or any part thereof.

Inspection  
etc. of  
documents.

15.—(1) The Company shall take over and employ as from the day of transfer the transferred employees if willing to enter the service of the Company at rates of salary or wages and on terms (including those relating to superannuation) not less favourable than those governing their employment by the corporation immediately before the day of transfer.

As to  
transferred  
employees etc.

(2) If in consequence of anything done in pursuance of this Act any person who immediately before the day of transfer was in the employment of the Corporation suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall unless provision for his compensation is made by or under any other enactment for the time being in force be entitled to receive compensation from the Company and for the purposes of this subsection section 44 of the Act of 1945 shall with any necessary modifications extend and apply as if this Act were an order made under the Act of 1945.

(3) Subject to the foregoing provisions of this section every transferred employee shall on and after the day of transfer be subject to the same general conditions of service and treatment as the employees of the Company.

(4) In this section “the transferred employees” means—

(a) the employees of the corporation whose names are set out in the Second Schedule to this Act and includes a person employed immediately before the day of transfer wholly in connection with the Basingstoke undertaking in substitution for any such first-mentioned employee; and

(b) such other persons employed by the corporation immediately before the day of transfer (being persons employed partly in connection with the Basingstoke undertaking) as may be agreed between the Company and the corporation.



PART II  
—cont.  
Exercise of  
powers until  
transfer.

16.—(1) Until the day of transfer the Basingstoke undertaking shall be carried on by the corporation with due regard to the interests of the Company as prospective owners of that undertaking on and after the day of transfer and accordingly the corporation may incur all such proper expenditure and liabilities as they shall deem necessary for carrying on that undertaking in the ordinary course of business:

Provided that except with the consent of the Company the corporation shall not—

- (a) enter into any contract or incur any liability otherwise than in the ordinary course of carrying on that undertaking extending beyond the day of transfer or make any unnecessary or exceptional expenditure other than expenditure in respect of necessary legal engineering and accountancy charges incidental to the transfer of that undertaking ;
- (b) incur any expenditure on capital account exceeding two hundred and fifty pounds for any one item unless such expenditure is incurred in pursuance of a statutory obligation or with the consent of the Minister ;
- (c) increase the remuneration salaries or emoluments of such of their employees as in accordance with the provisions of section 15 (As to transferred employees etc.) of this Act are to become employees of the Company (otherwise than in accordance with any contract of service or scale of remuneration or at the instance of any wages board or joint industrial council or in pursuance of any compulsory arbitration award) beyond their usual remuneration salaries and emoluments at the rate operative on the twenty-seventh day of November nineteen hundred and fifty-seven;
- (d) vary any rates rents or charges which were being demanded or taken by them on the twenty-seventh day of November nineteen hundred and fifty-seven unless such variation is made with the consent of the Minister.

(2) The consent of the Company required by the proviso to the foregoing subsection shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by arbitration.

PART III

EXTENSION OF LIMITS OF SUPPLY

Extension of  
limits of  
supply.

17. On and after the day of transfer the limits of supply shall include the added limits and the provisions of the Mid-Wessex Water Acts and Orders 1893 to 1957 shall with any necessary modifications and subject to the provisions of this Act apply and have effect within the added limits and subject as aforesaid the



Company within the added limits shall have and may exercise all and the like powers rights privileges and authorities and shall be subject to the like duties and obligations as they now have and are subject to within the existing limits :

PART III  
—cont.

Provided that—

- (i) nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of the Mid-Wessex Water Acts and Orders 1893 to 1957 which only apply to or affect a specified portion of the existing limits or are otherwise specifically of limited application;
- (ii) section 7 (As to hardness of water supplied by Company) of the Frimley and Farnborough District Water Act 1915 shall not apply or have effect within the added limits;
- (iii) the charges in respect of a supply of water for domestic purposes shall in the case of premises situated in the added limits be less than the charges for a supply of water for domestic purposes to premises situated in any other part of the limits of supply (other than the areas described in the First Schedule to the Mid-Wessex Water Order 1956) by twenty-five per centum for the period of seven years beginning on the day of transfer and by twelve and a half per centum for the period of three years next following the expiration of the said period of seven years.

18. On the day of transfer all byelaws and regulations of the corporation shall cease to be in force so far as they relate to the Basingstoke undertaking.

Cesser of  
powers of  
corporation.

19. The Company may as from the day of transfer—

- (a) maintain repair renew alter enlarge improve extend and use the reservoirs wells boreholes pumping stations mains pipes and other works and apparatus transferred to them by virtue of this Act (including the wells and pumping stations on and under the lands described in the Third Schedule to this Act):

Power to  
maintain etc.  
transferred  
works.

Provided that in relation to any such works and apparatus as are electrical works and apparatus the Company shall so exercise the powers conferred by this section as to prevent interference with any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line;

- (b) collect take intercept impound pump use divert and appropriate any water which can or may be intercepted by any of the said works or which the corporation

PART III  
—cont.

might have collected taken intercepted impounded pumped used diverted or appropriated by means of the said works if this Act had not been passed.

As to restriction on works for abstraction of water.

20. For the purposes of section 3 of the Third Schedule to the Act of 1945 works which are comprised in the Basingstoke undertaking and any works carried out under the powers of section 19 (Power to maintain etc. transferred works) of this Act shall be deemed to be situate upon lands which are specified in this Act.

Determination of agreements between Company and corporation.

21. As from the day of transfer any agreement which may on or immediately before that day be in force between the Company and the corporation for or with respect to the supply of water in bulk by the corporation to the Company shall cease to have effect.

## PART IV

## FINANCE

Additional capital.

22.—(1) Subject to the provisions of this section the Company may raise additional capital by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partly by any one or more of those modes respectively:

Provided that the amount to be raised under the powers of this section after taking into account any premiums or discounts which may be obtained or allowed respectively on the issue or reissue thereof shall not exceed the total of the sums payable by the Company as the price or consideration for the transfer of the Basingstoke undertaking in pursuance of this Act.

(2) The provisions of the Mid-Wessex Water (Financial Provisions) Order 1957 relating to the additional capital which the Company were by that Order authorised to raise shall apply to the additional capital to be raised under the powers of this section.

## PART V

## MISCELLANEOUS

Arbitration.

23. 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 Institute of Chartered Accountants in England and Wales on the application of any party to the dispute (after notice in writing to the other of them).

Revocation of order.

24. As from the day of transfer the Basingstoke Borough (Basingstoke Rural Water Supply) Order 1953 shall be revoked.



25. The Second Schedule to the Frimley and Farnborough District Water Act 1927 shall have effect as if for the words “one hundred pounds” wherever those words occur there were substituted the words “five hundred pounds”.

Amendment of Second Schedule to Frimley and Farnborough District Water Act 1927.

26. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

27. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by or by virtue of this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

28. The costs charges and expenses preliminary to and of and incidental to the applying for and the preparing obtaining and passing of this Act shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Costs of Act.

## SCHEDULES

## FIRST SCHEDULE

## DESCRIPTION OF THE ADDED LIMITS

In the county of Hampshire—  
the borough of Basingstoke.

## SECOND SCHEDULE

EMPLOYEES OF THE CORPORATION TO BE TRANSFERRED  
TO THE COMPANY

A. E. Atherton	A. G. Jeffery
K. E. C. Attfield	S. G. Martin
A. S. Benwell	L. E. G. Midlane
T. Cottrell	P. O'Connor
R. A. Godleman	E. Piper
F. C. Holmes	E. G. Poulter
G. V. Huggins	

## THIRD SCHEDULE

DESCRIPTION OF LANDS ON AND UNDER WHICH THE WELLS  
AND PUMPING STATIONS TRANSFERRED TO THE COMPANY BY  
VIRTUE OF THIS ACT ARE SITUATE

- (a) A piece of land in the borough of Basingstoke in the county of Hampshire having an area of 9 acres or thereabouts and being part of the enclosure numbered 227 on the 1/2500 Ordnance Survey Map Hampshire Sheet XVIII.7 (Revision of 1940);
- (b) a piece of land in the borough of Basingstoke in the county of Hampshire having an area of 9.925 acres or thereabouts and being the enclosure numbered 366 on the 1/2500 Ordnance Survey Map Hampshire Sheet XVIII.15 (Edition of 1932);

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 16.
Companies Clauses Act 1863 .. .. .	26 & 27 Vict. c. 118.
Telegraph Act 1878 .. .. .	41 & 42 Vict. c. 76.
Frimley and Farnborough District Water Act 1893	56 & 57 Vict. c. clxxxv.
Frimley and Farnborough District Water Act 1915	5 & 6 Geo. 5. c. xiii.
Frimley and Farnborough District Water Act 1927	17 & 18 Geo. 5. c. xii.
Mid-Wessex Water Act 1935 .. .. .	25 & 26 Geo. 5. c. xxxiv.
Public Health Act 1936 .. .. .	26 Geo. 5 & 1 Edw. 8. c. 49.
Water Act 1945 .. .. .	8 & 9 Geo. 6. c. 42.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act 1947 .. ..	10 & 11 Geo. 6. c. 51.

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# Mid-Wessex Water Act, 1959

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