



CHAPTER xxxiii.

An Act for extending the limits of supply of the Colne Valley Water Company for authorising the Company to construct new works and to raise additional capital for increasing the charges of the Company and for other purposes.

A.D. 1922.

[29th June 1922.]

WHEREAS the Colne Valley Water Company (in this Act called "the Company") were incorporated by the Colne Valley Water Act 1873 and are by that Act and the Colne Valley Water Act 1885 the Central Middlesex Water Act 1894 and the Colne Valley Water Act 1907 empowered to supply water within the limits in the counties of Middlesex and Hertford and to the extent mentioned in the said Acts :

And whereas it is expedient that the limits within which the Company may supply water should be further extended :

And whereas the demand for water within the existing limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand and to supply in the limits of supply as extended by this Act it is expedient that the Company should be empowered to make and maintain the works and to acquire the lands hereinafter respectively described :

And whereas it is expedient that the acquisition of certain lands and the construction of certain works by the Company as mentioned in this Act should be confirmed :

And whereas by the Colne Valley Water Company (Capital Issues) Consent 1920 the Board of Trade acting under the Public Utility Companies (Capital Issues) Act 1920 consented to the creation and issue by the Company

A.D. 1922. of redeemable debenture stock to an extent not exceeding one-half the capital of the Company for the time being issued and paid up:

And whereas the following is a statement of the capital stock and loan capital which the Company have issued and borrowed and are authorised to issue and borrow under the powers in that behalf contained in the before-mentioned Acts and the Colne Valley Water Company (Capital Issues) Consent 1920:—

CAPITAL STOCK.

1	2	3	4	5	6	7
Year of Act authorising Capital.	Description of Stock.	Maximum Dividend per cent.	Total paid up.	Premiums received.	Remaining to be issued.	Total authorised.
1873	A Ordinary -	10	£ 100,000	£ Nil	£ Nil	£ 100,000
	B Ordinary -	7	50,000	Nil	Nil	50,000
1885	C Ordinary -	10	81,880	Nil	Nil	} 100,000
	4% Preference -		18,120	Nil	Nil	
1907	D Ordinary -	7	85,000	46,525	108,475	240,000
			335,000	46,525	108,475	490,000

LOAN CAPITAL.

1	2	3	4	5	6	7
Year of Act authorising Loan Capital.	Description of Capital.	Rate of Interest per cent. on Capital already raised.	Total borrowed.	Premiums received.	Remaining to be borrowed.	Total authorised.
1873	Perpetual Debenture Stock.	4	£ 37,500	£ Nil	£ Nil	£ 37,500
1885	Ditto - -	4	40,000	Nil	Nil	40,000
1873	} Redeemable Debenture Stock (A)	7	50,000	Nil	54,237	167,500
1885						
1907 and Colne Valley Water Company (Capital Issues) Consent 1920						
	Redeemable Debenture Stock (B)	7	63,263	Nil		
			190,763		54,237	245,000

And whereas it is expedient that the provisions in the said first-mentioned Acts relating to the issue of capital and raising of moneys should be amended and the said Consent annulled and that the Company should be authorised to raise additional capital and to borrow further moneys for the purposes of this Act and of their undertaking and that such other financial provisions should be made as are in this Act contained : A.D. 1922.

And whereas by the Colne Valley (Temporary Increase of Charges) Order 1921 the Board of Trade acting under the Statutory Undertakings (Temporary Increase of Charges) Act 1918 temporarily modified by way of increase the charges which the Company might make for water supplied by them with certain exceptions therein mentioned and subject to such exceptions the Company may under the said Order during the period ending at the expiration of two years from the termination of the war make charges which shall not be more than forty-five per centum in excess of the charges specified in sections 21 22 and 25 of the said Act of 1907 :

And whereas the revenue derived from the charges authorised by the Acts relating to the Company is under conditions which now prevail inadequate to enable the Company to raise on reasonable terms the capital necessary for carrying on the undertaking and it is expedient that such charges should be increased :

And whereas it is expedient that certain provisions hereinafter mentioned relating to the supply of water by the Company in certain cases on special terms should be varied :

And whereas it is expedient that further powers should be conferred upon the Company as provided by this Act :

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Hertford and Middlesex and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

A.D. 1922.

And whereas the objects aforesaid 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 (that is to say) :—

PRELIMINARY.

Short and
collective
titles.

1. This Act may be cited as the Colne Valley Water Act 1922 and the Colne Valley Water Act 1873 the Colne Valley Water Act 1885 the Central Middlesex Water Act 1894 the Colne Valley Water Act 1907 and this Act may be cited together and are in this Act referred to as the Colne Valley Water Acts 1873 to 1922 and each of those Acts is hereinafter referred to separately as the Act of the year in which the same was passed.

Incorporation of
Acts.

2. There are hereby incorporated with this Act :—

(1) The Lands Clauses Acts :

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party :

(2) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond; A.D. 1922.

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested and the said provisions shall so far as the same are respectively applicable apply to any ordinary and preference stock to be issued under the powers of this Act;

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:

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway and in such provisions for the purposes of this Act "the railway" means the pumping station and service reservoirs by this Act authorised and so much of any line or lines of pipes by this Act authorised as will not be constructed in a highway and "the centre of the railway" means the centre lines of so much of any line or lines of pipes as aforesaid; so far as such Acts or parts thereof or such provisions are applicable for the purposes of and are not inconsistent with this Act; and

(4) 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) so far as the same are applicable for the purposes of this Act and are not inconsistent with the Colne Valley Water Acts 1873 to 1922.

A.D. 1922.

Interpre-
tation.

3. 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 Colne Valley Water Company;

“The existing limits of supply” means the area within which the Company are by the Colne Valley Water Act 1873 the Colne Valley Water Act 1885 the Central Middlesex Water Act 1894 and the Colne Valley Water Act 1907 authorised to supply water;

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

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

“The new waterworks” means the works described or referred to in the section of this Act the marginal note whereof is “Power to make works”;

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

“The directors” means the directors of the Company.

EXTENSION OF LIMITS.

Extension
of limits of
supply.

4.—(1) The limits within which the Company may supply water and exercise the powers rights privileges and authorities conferred upon them by the Colne Valley Water Acts 1873 to 1922 shall extend to and include in addition to the existing limits of supply so much of the parish of St. Stephen in the rural district of St. Alban's in the county of Hertford as lies southward eastward or westward of an imaginary line drawn as a circle having a radius of three and a half miles measured from the town hall in the city of St. Alban as the centre of such circle and being all that part of the said parish which is not within the limits for the supply of water of the St. Alban's Waterworks Company and so much of the parish of Aldenham (detached) in the rural district of Watford in the said county as comprises the enclosures numbered in the said parish 1 2 3 4 5 and 6 on the $\frac{1}{2500}$ Ordnance map (edition 1913 sheet XXXIX 11) and within and

throughout the limits of supply the Colne Valley Water Acts 1873 to 1922 shall henceforth be in full force and have effect. A.D. 1922.

(2) The Company may continue to maintain and use any mains pipes or other works laid down or constructed by them before the passing of this Act within the added limits of supply as if the same had been laid down or constructed by them under the powers of this Act and the provisions of the Waterworks Clauses Act 1847 as amended by the Waterworks Clauses Act 1863 shall apply to the said mains pipes and works in all respects accordingly.

5. If after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in any part within the added limits of supply of the district of any local authority at the rates and charges which the Company are for the time being authorised to charge therein and on such terms and conditions pecuniary or otherwise in addition to such rates and charges as shall be reasonable having regard to all the circumstances of the case the local authority of such district may provide a supply in any part of their district within the added limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional or other Order for the purpose of supplying water in any part of such added limits not sufficiently supplied by the Company and for the repeal of the powers of the Company in that behalf.

Local authority or company may supply if Company do not.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of any such district or as to whether any such terms or conditions are reasonable such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health subject to and in accordance with the provisions of the Arbitration Act 1889.

WORKS AND LANDS.

6. Subject to the provisions of this Act the Company may in the lines and situations and upon the lands delineated on the deposited plans and described in the

Power to make works.

A.D. 1922. deposited book of reference and according to the levels shown on the deposited sections make and maintain the new waterworks (that is to say):—

IN THE COUNTY OF HERTFORD.

Work No. 6. A well and pumping station (to be called Berrygrove Pumping Station) in the urban district of Bushey in the enclosure numbered 5 in that urban district on the $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XXXIX 14);

Work No. 7. An adit (No. 4) in the said urban district of Bushey commencing at or in the said well and pumping station (Work No. 6) and terminating at the boundary between the said urban district and the parish of Watford Rural in the rural district of Watford.

Work No. 10. A line or lines of pipes (No. 2) in the said urban district of Bushey commencing at or in the said well and pumping station (Work No. 6) and terminating by a junction with the Company's existing pumping station in the said urban district;

Work No. 11. A service reservoir in the said urban district of Bushey in the enclosures numbered 439 440 440a and 440b and 380 in that urban district on the $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XLIV 11);

IN THE COUNTIES OF HERTFORD AND MIDDLESEX.

Work No. 12. A line or lines of pipes (No. 3) commencing in the parish of Watford Rural (detached) in the said rural district of Watford in the Company's existing Eastbury pumping station in that parish and terminating in the said urban district of Bushey in the service reservoir (Work No. 11) hereinbefore described.

In addition to the foregoing works the Company may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the

Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

A.D. 1922.

Provided that in the construction of the well hereby authorised the same shall be lined for a depth of at least ninety-five feet so as to keep out all surface waters.

7.—(1) Nothing contained in the section of this Act of which the marginal note is "Power to make works" shall authorise the Company to construct any adit or heading within one hundred feet from the surface of the ground nor shall anything in this Act authorise the Company to pump a greater quantity of water than will amount on an average calculated over any one month to three million gallons a day.

Limiting
adits and
quantity
of water to
be pumped.

(2) For the purpose of ascertaining the quantity of water pumped by the Company the Company shall within one month from the completion of the well and pumping station hereby authorised provide at that pumping station and shall at all times thereafter maintain in an efficient state of repair suitable appliances for automatically measuring or otherwise ascertaining and recording the quantity of water so pumped and such appliances and records shall at all reasonable hours in the daytime be open to the inspection of the Hertfordshire County Council and the Metropolitan Water Board or any person duly authorised in writing by them respectively.

(3) It if appears that the Company have been pumping water at such pumping station in excess of the amounts prescribed by this section they shall be liable to a penalty not exceeding ten pounds for every day on which they have exceeded any such prescribed quantity but without prejudice to any other right or remedy.

8. The acquisition by the Company of the lands next hereinafter described is hereby sanctioned and confirmed and the Company may retain hold and use the same for the purposes of the undertaking.

Confirming
acquisition
of lands.

The lands hereinbefore referred to are—

Lands comprising 22 acres or thereabouts in the parish of Watford Rural (detached) in the rural district of Watford in the county of Hertford on the north side of and adjoining Hampermill Lane being the enclosures numbered in the said parish 1088 1089 1090 1103 1103a 1104 and

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1105 on the $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XLIV 9);

Lands comprising one acre or thereabouts in the said parish of Watford Rural (detached) on the south side of and adjoining Hampermill Lane and being part of the enclosure numbered in the said parish 1107 on the said $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XLIV 9).

Limits of
deviation.

9. In the construction of the new waterworks the Company may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such roads shall be deemed to be such limits and they may subject to the provisions of the section of this Act of which the marginal note is "Limiting adits and quantity of water to be pumped" deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards in respect of the adit (Work No. 7) by this Act authorised and not exceeding three feet upwards and to any extent downwards in respect of the other works by this Act authorised Provided as follows (that is to say):—

The Company shall not construct any embankment or wall of any reservoir authorised by this Act of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition;

Except for the purposes of crossing over a stream dyke or watercourse no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Works to
form part
of under-
taking.

10. Subject to the provisions of this Act the new waterworks and the lands mentioned in the section of this Act of which the marginal note is "Confirming acquisition of lands" shall for all purposes whatsoever form part of and be comprised in the undertaking.

Power to
take
waters.

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

12.—(1) Nothing contained in this Act shall authorise the Company to abstract any water from the Rivers Colne and Ver or either of them or from any stream discharging into either of those rivers.

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For protection of
Rivers
Colne and
Ver.

(2) Notwithstanding anything contained in this Act the Company shall not construct any adit or similar work in connection with the well and pumping station authorised by this Act under the River Colne.

13. If the new waterworks are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Period for
completion
of works.

14.—(1) If at any time after the completion of the pumping station authorised by this Act it shall be proved by the owner of any well pond spring or stream which is situate within a radius of two miles from the said pumping station and which 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 that station has caused a diminution or cesser of the supply of water in such well pond spring or stream the Company shall upon the written request of such owner afford to him a supply of water equal to the amount of such diminution or the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost of the owner of obtaining his full supply shall be the same after as 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 protection of
existing
sources of
supply.

(2) Provided that—

(a) The Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well pond spring or stream the water from

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—

- which is so polluted as to be or to be likely to be injurious or dangerous to health ;
- (b) The Company shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford to the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well pond spring or stream in respect of which the claim is made and facilities for ascertaining particulars thereof and the level of the water therein ;
- (c) The Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any 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 any owner shall be repaired maintained and (when necessary) renewed and made good by such 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 cesser of supply in any such well pond spring or stream deepen such well pond spring or stream 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) The Company may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers

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conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(6) For the purpose of affording a supply of water under this section the Company may supply water beyond the limits of supply and carry out all such works within or beyond such limits as may be necessary for that purpose.

(7) Any question which may arise between the Company and any 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 the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

(9) In this section the expression "owner" shall include any lessee or occupier or riparian owner.

15. The Company may exercise as regards the portions of Mount Pleasant Lane Station Road and Drop Lane in the said parish of St. Stephen which are beyond the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if such portions of the said lanes and road were within the limits of supply but nothing in this section shall authorise the Company to supply water beyond the limits of supply.

Power to lay mains beyond limits of supply.

16. The Company subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets 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

Telephonic wires and apparatus in streets.

A.D. 1922. and apparatus in the soil of any street road highway or footpath within the limits of supply.

For protection of Postmaster-General.

17. Any electric wires telegraphs telephones or other apparatus or appliances laid down or maintained by the Company under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

As to payments for postal and other facilities.

18. The Company may undertake to pay to the Postmaster-General any loss which he may sustain by reason of the establishment or maintenance at their request of any telegraph office or of any additional facilities (postal or otherwise) in connection with the new waterworks and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company.

Power to acquire lands.

19. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the new waterworks.

Owners may be required to sell parts only of certain property.

20. And whereas in the construction of the new waterworks or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are

hereinafter referred to as "the scheduled properties";

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- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed;
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

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- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be born and paid by the owner;
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice ;
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

21. In addition to any other lands which the Company are by any other provision of the Colne Valley Water Acts 1873 to 1922 authorised to acquire the Company may for the purpose of protecting against pollution nuisance encroachment or injury any waters which the Company are empowered to take enter upon take and use all or any of the following lands (that is to say):—

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Lands for
protection
of water
supply.

Lands comprising 101 acres or thereabouts in the said parish of Watford Rural (detached) in the rural district of Watford in the county of Hertford and being the enclosures numbered in the said parish 1011 and 1011a 1012 1076 1078 1079 and 1080 on the $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XLIV 5) 1011 and 1011a 1318 1318a and 1318b on the said Ordnance map (sheet XLIV 6) 1076 to 1087 (inclusive) 1316 and 1318 on the said Ordnance map (sheet XLIV 9) and 1083 1316 1318 and 1318a on the said Ordnance map (sheet XLIV 10) and part of the enclosure numbered in the said parish 1114 on the said Ordnance map (sheet XLIV 9).

22. Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not enter upon take or use the lands numbered on the deposited plans 4 and 5 in the said urban district of Bushey but the Company may require the owner of or any other persons interested in the said lands to sell to them and thereupon such owner and other persons (if any) shall sell to the Company easements or rights of making maintaining renewing and using the adit (Work No. 7) by this Act authorised under such lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

Power to
take ease-
ments &c.
in certain
lands.

23. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands.

24. All private rights of way over any lands which may be acquired compulsorily under the powers of this Act shall as from the date of the acquisition of such lands be extinguished Provided that the Company

Private
rights of
way over
lands taken
com-
pulsorily.

A.D. 1922. shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Acquisition
of lands by
agreement.

25. In addition to any lands which the Company are by any other provisions of the Colne Valley Water Acts 1873 to 1922 authorised to acquire 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 under any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty 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.

Persons
under
disability
may grant
easements
&c.

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

Power to
acquire
easements
in lieu of
lands.

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

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required

or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

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(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they had given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

28. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any waterworks for the time being of or used by the Company 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 and conveying and preserving the purity of the waters which the Company may for the time being be authorised to divert collect and appropriate flowing to upon or from such lands directly or derivatively into any such waterworks.

Power to
agree as to
drainage
of lands.

29. The Company may hold any lands acquired by them under the powers of the Colne Valley Water Acts 1873 to 1922 which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than dwellings for persons in their employ and such other buildings and works as may be incidental to or in connection with the undertaking.

Power to
hold lands
for pro-
tection of
water-
works.

30. The Company may purchase take on lease or hire houses and cottages for any of their employees and offices for the purposes of their undertaking.

Dwelling-
houses for
employees
offices &c.

31.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other work now or hereafter

Discharge
of water
into
streams.

A.D. 1922. belonging to the Company the Company may cause the water in any such reservoir well conduit or line of pipes or work to be discharged into any available stream or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

(2) In the exercise of the power 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 and the amount of compensation shall be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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

As to
exercise of
powers of
section 12
of Water-
works
Clauses
Act 1847.

32. 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 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.

For pro-
tection of
Henry
Perrin.

33. For the protection of Henry Perrin or other the owner for the time being of the property known as The Cottage Bushey Heath (all of whom are hereinafter included in the expression "the owner") the following provisions shall unless otherwise agreed between the Company and the owner apply and have effect (that is to say) :—

Notwithstanding anything shown on the deposited plans the Company in constructing the service reservoir Work No. 11 by this Act authorised shall not deviate to the south-east of an imaginary line drawn eighty feet north-west of and parallel to the south-eastern limits of deviation for the said work shown on the said plans nor to the south-west of an imaginary line drawn sixty feet to the north-east of and parallel to the south-western limits of deviation for the said work shown on the said plans.

34. The following provisions for the protection of the London and North Western Railway Company (hereinafter called "the North Western Company") shall unless otherwise agreed between the North Western Company and the Company have full force and be binding upon the Company:—

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For
protection
of London
and North
Western
Railway
Company.

- (1) In carrying any line or lines of pipes (hereinafter called "the said works") authorised by this Act where the same shall be carried under or alongside the railway and railway works of the North Western Company and also in effecting the maintenance repairs and renewals thereof the same and all works connected therewith shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the North Western Company (hereinafter called "the said engineer") and before commencing any such works the Company shall submit to the said engineer plans sections and particulars of the works proposed to be executed and such plans sections and particulars shall be delivered at least twenty-one days before the commencement of any such work and if at the expiration of twenty-one days from such delivery no objection has been lodged to such plans sections and particulars of the works then the plans sections and particulars shall be deemed to be approved. If any difference shall arise on any such plans sections and particulars between the Company and the North Western Company the same shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned. All such works shall when commenced be completed with due despatch in accordance with the approved plans sections and particulars as aforesaid and shall be executed by and in all things at the expense of the Company and so as not to cause any injury to the said railway and railway works or interruption to the passage or conduct of the traffic over the said railway and if any injury shall arise to the said railway or railway works or interruption to such traffic the Company shall make full compensation to the North Western Company in respect of such injury or interruption:

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- (2) If in consequence of the construction of the line of pipes (Work No. 12) by this Act authorised where the same crosses under the railway it is necessary in the opinion of the said engineer to underpin or otherwise strengthen the foundations of the bridge under the railway the same shall be executed by the North Western Company with all despatch prior to the construction of the said works and the Company shall repay to the North Western Company the reasonable cost incurred by them in so doing and any expenses incurred in connection therewith:
- (3) The Company shall at all times maintain the said works and all other works connected therewith where the same are carried under or alongside the railway or railway works of the North Western Company in substantial repair and good order and condition to the reasonable satisfaction of the said engineer and if and whenever the Company fail so to do after receiving reasonable notice the North Western Company may make and do all such works and things as may be reasonably requisite in that behalf and the sum from time to time certified by the said engineer to be the reasonable amount of such their expenditure in so doing shall be repaid to them by the Company:
- (4) If at any time hereafter the North Western Company shall require to make any alterations of or to widen their railway or railway works or to increase the railway accommodation under any powers existing at the passing of this Act at any place where the said works of the Company will be under or alongside the same the Company on being required so to do by the North Western Company shall at their own cost make such alterations of and additions to the said works and the works connected therewith as the said engineer may reasonably require for facilitating the carrying out of such alteration or widening of the said railway or railway works or to provide such increased accommodation as aforesaid:
- (5) Notwithstanding the approval of plans sections and particulars or supervision by or completion

A.D. 1922.
—

to the satisfaction of the said engineer as aforesaid if by reason of any works or proceedings of the Company or of their contractors or of their workmen or of the leakage bursting or failure of the said works or other works of the Company the said railway or any of the works or lands of the North Western Company shall be injured or damaged the North Western Company may make good the same and recover the reasonable expense thereof from the Company and if any interruption shall be caused to the traffic of the said railway by reason of any of the works of the Company or of any such leakage bursting or failure as aforesaid the Company shall repay to the North Western Company any loss damage or expense which they may sustain or be put to by reason of such interruption of the traffic of the said railways:

- (6) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company shall not without the previous consent of the North Western Company under their common seal purchase or acquire any lands or property of the North Western Company but the Company may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using so much of the lands of the North Western Company as may be necessary for the construction and maintenance of the said works:
- (7) The Company shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them during the making or maintenance of the said works and all works connected therewith under and alongside the railway of the North Western Company of a sufficient number of inspectors signalmen or watchmen for inspecting such works and for watching the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any

A.D. 1922.

person or persons in the employ of the Company with reference thereto or otherwise :

- (8) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works within the added limits of supply upon across over under or in any way affecting the railways or railway works of the North Western Company or the bridges approaches viaducts stations or other works or any level crossings over such railways and works the same shall be done under the superintendence and to the reasonable satisfaction of the said engineer and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the North Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Company shall make compensation in respect thereof to the North Western Company :
- (9) If any difference shall arise between the Company and the North Western Company or their respective engineers as to the reasonableness of the plans sections and particulars hereinbefore provided for or otherwise under this section such difference shall be referred to and determined on the application of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

CHARGES.

A.D. 1922.

35. From and after the twenty-fourth day of June one thousand nine hundred and twenty-two sections 21 22 24 25 28 29 and 30 of and the schedule to the Act of 1907 shall be read and construed as if the various rates and charges provided for by those sections and that schedule were increased by sixty per centum.

Increase of
charges.

36. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Company may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe for each such hose pipe or other apparatus and any sum charged under this section shall be recoverable in the same manner as water rates.

Charges for
hose pipes.

37. 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 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.

Rates
payable
by owners
of small
houses.

38. In the event of the Minister of Health being satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may if he thinks fit on the application of the Company or of a local authority having jurisdiction within the limits of supply made at any time after the expiration of three years from the passing of this Act by order vary either by way of increase or decrease the rates and charges for the supply of water by this Act authorised :

Revision
of rates.

Provided that the rates and charges prescribed in any such order shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance

A.D. 1922. of the undertaking and making good depreciation and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the capital stock of the Company :

Provided also that the rates and charges for the time being in force under any such order may in the like event be varied in like manner at any time after the expiration of any or every period of five years after they were last varied.

Supply to
houses
partly used
for trade.

39. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required and the minimum quarterly charge (exclusive of meter rent) for a supply of water by measure to any such premises shall be one-fourth of the annual amount which would be payable for a domestic supply furnished to a dwelling-house of the same rateable value.

Supply to
certain
institutions
&c.

40.—(1) The Company shall not be bound to supply with water otherwise than by measure any workhouse hospital asylum (whether public or private) sanatorium school club hotel boarding-house public-house or inn or any public institution which is habitually occupied by at least twelve 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 rate for the time being in force for the supply by the Company of water for domestic purposes to such farmhouse.

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

SUPPLY OF WATER.

Company
need not
supply

41. The Company shall not be bound to supply more than one house by means of the same communica-

tion pipe and they may if they think fit require that a separate pipe be laid from the main into each house supplied by them with water.

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several
houses by
one pipe.
Amendment
of section 35
of Water-
works Clauses
Act 1847.

42. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-seventh part of such expense.

43.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Company to maintain any pipe or apparatus used for the supply of water from the works of the Company 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.

As to com-
munication
pipes.

(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 in the limits of supply execute such works on behalf of such owner or occupier but subject to any obligations of such owner or occupier in relation to the execution of such works and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier with whom the agreement is made.

44. 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 defect in any communication pipe it shall be lawful for the Company to repair the same as they may think expedient without being requested so to do and if any such defect in the communication pipe shall have been found the expenses incurred by the Company in or in connection with such repair shall be recoverable by the Company from the owner of the premises supplied by such pipe or in cases where the 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

For pre-
vention
of waste of
water.

A.D. 1922. — to the owner or occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to do.

Mainten-
ance of
common
pipe.

45. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to 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 any such contributions shall be settled by the engineer or manager of the Company and such proportions shall be recoverable by the Company as water rates are recoverable.

Interfer-
ence with
valves
pipes and
fittings.

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

Detection
of waste.

47.—(1) 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 similar 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 stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

(2) Provided always that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

48. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

A.D. 1922.

—
Injury to
meters.

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 insuring the proper registration by such meter 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 paid to the Company by the person so offending and may be recovered by them as water rates are recoverable. 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.

49.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and

Guarantees
by district
councils.

A.D. 1922.

between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under parliamentary authority without the consent of such other authority.

Power to
local
authorities
to guarantee
on behalf of
owners and
occupiers.

50. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district on behalf of such owners or occupiers and shall be binding on the Company if the local authority execute an agreement binding themselves to pay for three successive years at least for the supply of water to the houses in respect of which the requisition was made the amount which would have been payable under the said section as amended by this Act by such owners or occupiers.

Purchase
of water
in bulk.

51. The Company may enter into and carry into effect agreements made with any water authority 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.

For pro-
tection
of railway
companies.

52. The Company shall not exercise the powers conferred upon them by the sections of this Act of which the marginal notes are "Telephonic wires and apparatus in streets" "As to communication pipes" and "Detection of waste" in respect of any streets roads or property

of any railway company without the previous consent of such railway company but such consent shall not be unreasonably withheld. A.D. 1922.

53. Section 43 of the Colne Valley Water Act 1873 shall extend and apply to the added limits of supply and in addition thereto the following provisions shall unless otherwise agreed between the Company and the Midland Railway Company (hereinafter called "the Midland Company") apply and have effect throughout the limits of supply :—

For protection of Midland Railway Company.

(1) The Company shall on demand repay to the Midland Company the reasonable expense of any watching signalling and temporary work which may be necessary for the protection of their railways or of the traffic thereon by reason of and during the execution of any works of the Company authorised by this Act :

(2) Any additional expense which the Midland Company may incur in the exercise of their existing powers in maintaining renewing altering or widening their railways and works by reason of the existence of such works of the Company constructed or laid over across or under such railways or works shall be paid by the Company :

(3) Any difference which may arise between the Company and the Midland Company under this section or under the said section 43 of the Colne Valley Water Act 1873 shall be determined by an arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

54. Before breaking up or otherwise interfering with any street or road situate in the Metropolitan Police District in connection with the execution of any works under the powers of this Act the Company shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said Commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the execution of such works.

For protection of Commissioner of Police of Metropolis.

A.D. 1922.

FINANCIAL PROVISIONS.

Additional
capital.

55. The Company may from time to time raise additional capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which there may be on the issue or re-issue thereof an amount not exceeding in the whole three hundred thousand pounds by the creation and issue of further ordinary or preference stock or wholly or partially by either of those modes. Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater amount of capital than shall be sufficient after taking into account premiums and discounts (if any) as aforesaid to produce the sum of three hundred thousand pounds.

Limit of
profit on
additional
ordinary
capital.

56. The Company shall not in any one year pay out of their profits any larger dividend on any ordinary capital raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital.

Abatement
of divi-
dends on
ordinary
capital.

57. If in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary stock in the capital of the Company the holders of each such class of stock shall be entitled to participate in dividend in respect of that year equally up to a rate of seven per centum per annum according to the amount paid up on the stock held by them respectively.

Additional
capital to
be part of
general
capital.

58. Except as by this Act otherwise provided any ordinary or preference stock created under the section of this Act of which the marginal note is "Additional capital" shall form part of the general capital of the Company and the holders thereof respectively in proportion to the amount of their stock shall subject to the provisions of this Act be entitled and subject to the same powers provisions liabilities rights privileges and incidents as other holders of ordinary or preference stock as the case may be of the Company. Provided that except as may be otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such preference stock.

59.—(1) All ordinary and preference stock hereafter created by the Company shall be issued in accordance with the provisions of this section.

A.D. 1922.

—
New stock
to be sold
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 district council of every 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 limits of supply :
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be :
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds :
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum and in the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :
- (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 is 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

A.D. 1922.

as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount 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 otherwise 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 Board of Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective stock.

As to
authorised
preference
capital.

60. Notwithstanding anything contained in section 7 (Limit of profit on additional capital) of the Act of 1907 or any other Act relating to the Company any preference capital which may be hereafter created under the powers of that Act may be stock bearing a dividend at such rate as the directors may determine at the time or times of the creation or issue thereof not exceeding the rate of eight per centum per annum or such higher rate as the Ministry of Health may allow.

Power to
borrow.

61. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one half of the moneys which at the time of borrowing have been raised by the creation and issue of stock under the powers of the section of this Act of which the marginal note is "Additional capital" but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with any premiums (if any) realised on the sale thereof has been fully paid up.

62. The provisions of the Act of 1873 the Act of 1885 the Act of 1894 and the Act of 1907 relating to the borrowing or raising of moneys on mortgage of the undertaking or by the creation and issue of debenture stock shall be read and construed as if the Company were by those Acts authorised to borrow on mortgage of the undertaking or to raise by the creation and issue of debenture stock an amount equal to one half part of the moneys which at the time of such borrowing or of the issue of the debenture stock has been raised by the Company by the creation and issue of ordinary and preference capital under the powers of those Acts or any of them.

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Borrowing
in respect
of autho-
rised
capital.

63. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by the Company by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing
mortgages
to have
priority.

64. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 43 (Debenture stock) of the Act of 1885 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture
stock.

65. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the

Priority of
money
raised on
mortgage
or debenture
stock
over other
claims.

A.D. 1922. interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works of the Company or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Appoint-
ment of
receiver.

66. Section 15 (Appointment of receiver) of the Act of 1907 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

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 and 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 ten thousand pounds in the whole.

Issue of
redeemable
preference
capital and
debenture
stock.

67.—(1) The Company may create and issue all or any of the preference stock which they are authorised by the Colne Valley Water Acts 1873 to 1922 or any of them to create and issue and may create and issue all or any debenture stock which they are by those Acts or any of them authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

- (a) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and
- (b) Redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section Provided that the creation and re-issue for the purpose of any particular

class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create save so far as such creation and issue is for the purpose of paying off stock created and issued under the provisions of this section or of providing stock substituted for the same thereunder.

A.D. 1922.

(3) The Company shall not redeem out of revenue any preference stock or debenture stock created under this section.

(4) The provisions of paragraphs (a) and (b) of subsection (2) and the provisions of subsection (3) of this section shall extend and apply to the redeemable debenture stock (A) and the redeemable debenture stock (B) created and issued by the Company under the powers of the Acts of 1873 1885 and 1907 and the Colne Valley Water Company (Capital Issues) Consent 1920 as if such last-mentioned stock were stock referred to in those subsections and the Company may call in and pay off and redeem any such redeemable debenture stock accordingly.

68.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and held in amounts of ten pounds or of any multiple of ten pounds and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would reduce the holding of stock of that class of the transferor below or make the holding of stock of that class of the transferee any amount other than ten pounds or a multiple of ten pounds.

Minimum amounts of holdings of stock.

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

69. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

70. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money

Application of money.

A.D. 1922. which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

As to back dividends.

71. The Company shall not apply in the payment of dividends in arrear at the date of the passing of this Act any moneys other than moneys forming part of the revenue of the Company for any year during which the rates and charges received by the Company have not exceeded by more than thirty per centum the rates and charges provided for by the Act of 1907.

Application of existing capital.

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

MISCELLANEOUS.

Power to directors to make donations &c.

73. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Auditors.

74.—(1) The Company shall at each annual general meeting appoint auditors to hold office until the next annual general meeting.

(2) The prescribed number of auditors shall be two but the number may be increased to three by a resolution of the Company passed at a general meeting 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 shall be persons who are members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or who are accountants approved by the Board of Trade and the auditors need not hold stock of the Company but nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the Company continuing to act as such auditor. If and so long as a firm appointed under the

provisions of this section are the auditors of the Company. A.D. 1922.
the provisions of this Act and of any Act incorporated
therewith relating to the prescribed number of auditors
shall not apply to the Company.

(3) A director or officer of the Company shall not be capable of being appointed auditor of the Company.

(4) A person other than a retiring auditor shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a stockholder to the Company not less than fourteen days before the annual general meeting and the Company shall send a copy of any such notice to the retiring auditor and shall give notice thereof to the stockholders either by advertisement or in any other mode allowed by the articles not less than seven days before the annual general meeting. Provided that if after notice of the intention to nominate an auditor has been so given an annual general meeting is called for a date fourteen days or less after the notice has been given the notice though not given within the time required by this provision shall be deemed to have been properly given for the purposes thereof and the notices to be sent or given by the Company as aforesaid may instead of being sent or given as hereinbefore provided by this section be sent or given at the same time as the notice of the annual general meeting.

(5) The directors may fill any casual vacancy in the office of auditor but while any such vacancy continues the surviving or continuing auditor or auditors (if any) may act.

75.—(1) The number of directors shall be six but Directors.
the Company may vary the number provided that the number shall not at any time be more than eight or less than four.

(2) The qualification of a director shall be the possession in his own right of ordinary stock in the capital of the Company of a total nominal amount of not less than five hundred pounds.

(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

A.D. 1922.
—

(4) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors holding office shall be less than the minimum number prescribed by this section the directors shall not act so long as their number is below such minimum except for the purpose of filling vacancies or allotting stock to any proposed director or directors.

Ordinary
meetings.

76.—(1) Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of February or March or at such other times as the directors may from time to time appoint and it shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or make up a balance sheet half-yearly.

(2) Section 27 of the Act of 1907 shall be read as if in the place of the word “half-year” the word “year” and in the place of the word “half-yearly” the word “yearly” were inserted therein.

Interim
dividends.

77. The directors may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company. 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 stock or one half of the annual dividend assigned to the preference stock of the Company in respect of which such interim dividend is declared.

Closing of
transfer
books.

78. The directors may close the register of transfers of stock and the register of debenture stockholders for a period not exceeding fourteen days previous to a declaration of any interim dividend or to the payment of any interest on such debenture stock as the case may be and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the registers are so closed shall as between the Company and the person claiming under the same but not other-

wise be considered as made subsequently to the declaration of any such dividend or payment of any such interest.

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79. 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 being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case 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 shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company 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.

Contracts
by
directors.

80. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected a director of the Company at any general meeting of the Company unless notice in writing is given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company 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 Any such person must have been the holder of the qualifying amount of stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

Notice of
candida-
ture of or
opposition
to re-
election of
director.

A.D. 1922.

Directors may determine remuneration of secretary and auditors.

As to appointment of proxies.

Joint holders.

Fittings on hire to remain property of Company.

Authentication and service of notices by Company.

81. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary and auditors of the Company.

82. Notwithstanding anything 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 the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

83. 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 Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

84. All engines meters fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

85. Any notice to be served by the Company 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 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.

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86. Where the payment of more than one sum by any person is due under the Colne Valley Water Acts 1873 to 1922 or any of them any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
sums in one
summons.

87. A judge of any court or a justice shall not be disqualified from acting in the execution of the Colne Valley Water Acts 1873 to 1922 or any of them by reason of his being liable to any rate.

Liability to
water rate
not to dis-
qualify
justices from
acting.

88. Penalties imposed under the Colne Valley Water Acts 1873 to 1922 or any of them and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Penalties
not cumula-
tive.

89. Save as otherwise by this Act expressly provided all offences against the Colne Valley Water Acts 1873 to 1922 or any of them and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or any of them or any bye-law 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
penalties &c.

A.D. 1922.

Recovery
of demands.

90. Proceedings for the recovery of any demand made under the authority of the Colne Valley Water Acts 1873 to 1922 or any of them or any incorporated enactment 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 a personal action.

Repeal.

91.—(1) The following sections of the Act of 1873 the Act of 1885 and the Act of 1907 are hereby repealed (that is to say):—

THE ACT OF 1873.

- Section 23 (Number of directors);
- Section 24 (Qualification of directors);
- Section 26 (Quorum);
- Section 31 (Auditors need not be shareholders);
- Section 45 (Rates at which water is to be supplied for domestic purposes);
- Section 46 (Rates for water-closets and baths);
- Section 49 (Supply of water in bulk);
- Section 59 (Penalty for injury to and fraudulent use of meters);
- Section 62 (For preventing frauds and waste of water);
- Section 65 (Recovery of charges for water);
- Section 66 (Sums due to Company may be recovered in any court of competent jurisdiction);
- Section 69 (Contents of summons);
- Section 70 (Costs of distress);
- Section 71 (Penalties not cumulative).

THE ACT OF 1885.

- Section 47 (Form and service of notices by Company);
- Section 48 (As to supply to baths and water-closets);
- Section 50 (Rates to be charged in Colne Valley district according to valuation list);
- The Third Schedule except paragraphs (9) (10) and (11) thereof.

THE ACT OF 1907.

A.D. 1922.

- Section 9 (New shares or stock to be offered by auction or tender);
- Section 10 (Purchase money of capital sold to be paid within three months);
- Section 11 (Notice to be given as to sale of shares or stock);
- Section 12 (Shares or stock not sold may be offered to shareholders employees or consumers);
- Section 19 (Scale of charges for domestic purposes in Harrow from 1st January 1907 until 31st December 1908);
- Section 20 (Scale of charges for domestic purposes from 1st January 1909 to 31st December 1913).

(2) The Colne Valley Water Company (Capital Issues) Consent 1920 is hereby annulled.

(3) The Colne Valley Water (Temporary Increase of Charges) Order 1921 is hereby annulled as from the date of the coming into operation of the section of this Act of which the marginal note is "Increase of charges").

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

A.D. 1922.

The SCHEDULE referred to in the foregoing
Act.

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