



## CHAPTER x.

An Act to authorise the Brompton Chatham  
Gillingham and Rochester Waterworks Company  
to construct new works and to raise additional  
capital to change the name of the Company to  
consolidate and convert the existing capital  
of the Company and for other purposes.

A.D. 1926.

[16th June 1926.]

**W**HEREAS the Brompton Chatham Gillingham and  
Rochester Waterworks Company (in this Act  
called "the Company") are by the Brompton Chatham  
Gillingham and Rochester Water Acts and Order 1860  
to 1921 authorised to construct and maintain waterworks  
and to supply water within the limits in the county  
of Kent thereby prescribed :

And whereas the demand for water within the  
Company's limits of supply has increased and is in-  
creasing and for enabling the Company to meet such  
demand it is expedient that the Company should be  
empowered to make and maintain the works and to  
acquire the lands hereinafter respectively described or  
referred to :

And whereas the following is a statement of the  
capital which the Company have issued or are authorised

[Price 1s. Net.]

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A.D. 1926. to issue under the powers in that behalf contained in the  
— before mentioned Acts:—

Date of Act authorising the raising of Capital.	Description of Capital.	Maxi- mum Dividend per cent.	Total Paid Up.	Premiums Received.	Remaining to be Issued.	Total Autho- rised.
1860	Ordinary	Per cent. .10	£ 37,000	£ 6,032 7 8	—	£ 37,000
1868	Ordinary	10	£ 37,500			
1898	New ordinary	7	£ 30,000	£ 30,130 9 6	—	£ 60,000
1905			New ordinary			
			£ 129,500	£ 50,510 19 4	£ 62,619 10 2	£ 242,500

And whereas the Company have created and issued debenture stock to the nominal amount of £7,500 bearing interest at the rate of  $3\frac{1}{2}$  per centum per annum and debenture stock to the nominal amount of £7,250 bearing interest at the rate of 4 per centum per annum :

And whereas the Company have borrowed £40,000 on mortgage of their undertaking bearing interest at the rate of 7 per centum per annum :

And whereas it is expedient that the existing capital of the Company should be converted and consolidated as provided by this Act :

And whereas it is expedient that the provisions in the said Acts and Order relating to the issue of capital and raising of moneys should be amended and that the Company should be authorised to raise additional capital and to borrow further moneys for the purposes of this Act and of the undertaking and that such other financial provisions should be made as are in this Act contained :

And whereas it is expedient to change the name of the Company :

And whereas it is expedient that further provision be made with reference to the conduct of the affairs of the Company and the management of their undertaking and that the other provisions contained in this Act should be made :

And whereas the objects of this Act cannot be attained without the authority of Parliament : A.D. 1926.  
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And whereas plans and sections of the works by this Act authorised and a book of reference to the said 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 have been deposited with the clerk of the peace for the county of Kent and are in this Act referred to as the deposited plans sections and book of reference :

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

#### PRELIMINARY.

1. This Act may be cited as the Chatham and District Water Act 1926 and the Brompton Chatham Gillingham and Rochester Water Acts and Order 1860 to 1921 and this Act may be cited together and are in this Act referred to as the Chatham and District Water Acts and Order 1860 to 1926. Short and  
collective  
titles.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Chatham and District Water Acts and Order 1860 to 1926) are hereby incorporated with this Act (namely) :— Incorporation  
of Acts.

(1) 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 :

(2) 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

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arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party :

- (3) The clauses and 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;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

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;

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) Part III. (relating to debenture stock) and Part IV. (Change of name) of the Companies Clauses Act 1863 as amended by subsequent Acts :

- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing the said provisions for the purposes of this Act the expression "the railway"

shall mean the pumping station and reservoir 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" shall mean the centre lines of so much of any line or lines of pipes as aforesaid. A.D. 1926.

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— Interpretation.

"The Company" means the Brompton Chatham Gillingham and Rochester Waterworks Company;

"The Act of 1860" means the Brompton Chatham Gillingham and Rochester Waterworks Act 1860;

"The Act of 1898" means the Brompton Chatham Gillingham and Rochester Water Act 1898;

"The Act of 1905" means the Brompton Chatham Gillingham and Rochester Water Act 1905;

"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 sections of this Act the marginal notes whereof respectively are "Power to construct works" and "Subsidiary works";

"The date of conversion" means the first day of January one thousand nine hundred and twenty-seven;

"The undertaking" means the undertaking of the Company as for the time being authorised;

"The directors" means the directors of the Company.

#### WORKS AND LANDS.

4. Subject to the provisions of this Act the Company may in the city and borough of Rochester in the county of Kent in the lines or situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels Power to construct works.

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shown on the deposited sections make and maintain the following works and they may enter upon take and use all or any of the lands in that behalf delineated on the said plans and described in the deposited book of reference relating thereto respectively (that is to say):—

Work No. 1 A well and pumping station in the enclosure numbered 129 in the parish of St. Margaret on the  $\frac{1}{2500}$  scale Ordnance map (1909 edition) Kent Sheet No. XIX. 10 at a point 20·20 chains or thereabouts measured in a southerly direction from the north-eastern corner of the said enclosure and 15·75 chains or thereabouts measured in a south-easterly direction from the south-western corner of the enclosure numbered 110A in the said parish on the said ordnance map:

Work No. 2 A line or lines of pipes commencing at or in the well and pumping station (Work No. 1) hereinbefore described and terminating in the service reservoir (Work No. 3) hereinafter described:

Work No. 3 A covered service reservoir in the enclosure numbered 72 in the said parish of St. Margaret on the said ordnance map.

Subsidiary  
works.

5. In addition to the foregoing works the Company may upon the lands for the time being belonging to them for the purposes of the undertaking or over which they may obtain easements make and maintain all such cuts channels catchwaters tunnels adits conduits pipes culverts drains sluices byewashes shafts water-towers overflows waste water channels gauges filter-beds tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any 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:

Provided that any telegraphs telephones and other means of electric communication made or maintained by the Company shall not be used for the transmission of any telegram which is within the exclusive privilege

conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Act 1904 or any statutory re-enactment or modification thereof. A.D. 1926.  
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6. In the construction of the new waterworks the Company may subject to the provisions of this Act deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may also deviate vertically from the levels shown on the deposited sections to any extent. Limits of deviation.

7. Subject to the provisions of this Act the new waterworks shall for all purposes whatsoever form part of and be comprised in the undertaking. Works to form part of undertaking.

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

9. If the new waterworks are not completed within five 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 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.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of December one thousand nine hundred and twenty-nine. Period for compulsory purchase of lands.

11. In settling any question of disputed purchase money or compensation payable under this Act by the Company the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and twenty-five if Compensation in case of recent improvements &c.

A.D. 1926. — in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to  
Company  
to enter  
upon pro-  
perty for  
survey and  
valuation.

**12.** The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Costs of  
arbitration  
&c. in cer-  
tain cases.

**13.** The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:



Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

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14. 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 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 (as modified by this Act) with reference to the taking of lands otherwise than by agreement.

Private rights of way over lands taken compulsorily.

15. In addition to any lands which the Company are by any other provisions of the Chatham and District Water Acts and Order 1860 to 1926 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 thirty acres. Provided that the Company shall not create or permit any nuisance on any such land nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Acquisition of lands by agreement.

16. 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.

Persons under disability may grant easements &c.

17.—(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

Power to acquire easements in lieu of lands.

A.D. 1926. — 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 (as modified by this Act) 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.

(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 have 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.

Limiting powers of Company to abstract water.

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

Dwelling-houses for employees offices &c.

**19.** The Company may purchase or take on lease houses and cottages for any of their employees and offices for the purposes of the undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company.

Discharge of water into streams.

**20.**—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other works of the Company the Company may cause the water in any such reservoir well conduit or line of pipes or other works to be discharged into any available stream or watercourse.

(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 the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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

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

#### CHANGE OF NAME.

**22.** From and after the passing of this Act the name of the Company shall be "the Chatham and District Water Company" and by that name the Company shall have a common seal.

Change of name of Company.

#### CONVERSION AND CONSOLIDATION OF CAPITAL.

**23.**—(1) As from the date of conversion the fourteen thousand nine hundred shares of the Company bearing a maximum dividend at the rate of ten pounds per centum per annum and the eleven thousand shares of the Company bearing a maximum dividend at the rate of seven pounds per centum per annum shall be converted and consolidated into two hundred and twenty-six thousand pounds of stock forming one class of stock to be called "consolidated ordinary stock" and ranking in all respects as one stock and conferring upon the holders thereof the same rights in all respects inter se.

Consolidation of shares.

(2) As on the date of conversion there shall be by virtue of this Act created two hundred and twenty-six thousand pounds of consolidated ordinary stock for the purposes of this section and the consolidated ordinary stock so created shall be deemed to be fully paid up and shall be divided among and shall as from the said date be vested without payment in the persons who immediately before the said date are entitled to be the holders

A.D. 1926. of the existing capital according to their respective  
— holdings as follows :—

For each share bearing a maximum dividend at the rate of ten pounds per centum per annum ten pounds of consolidated ordinary stock ;

For each share bearing a maximum dividend at the rate of seven pounds per centum per annum seven pounds of consolidated ordinary stock.

(3) The consolidated ordinary stock so to be created and divided as aforesaid shall as soon as practicable after the date of conversion be registered in the books of the Company in the respective names of the persons entitled thereto and shall rank for dividend as from the date of conversion and as from that date the said shares shall cease to bear any dividend.

Consolidated stock to be held on same trusts &c. as shares for which same is substituted.

**24.** All consolidated ordinary stock of which the holders of existing shares of the Company are pursuant to the foregoing provisions of this Act registered as holders shall after registration thereof be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the existing shares for which the consolidated ordinary stock is substituted were held immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the consolidated ordinary stock of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the existing shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Certificates of existing shares to be called in and others issued.

**25.** The Company shall call in the certificates of the existing shares for which consolidated ordinary stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders

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thereof free of charge certificates of consolidated ordinary stock to the amount to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require. Provided always that until the issue of new certificates the existing certificates shall (according to the amount of consolidated ordinary stock to be issued by virtue of this Act in substitution for the existing shares which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for the amount of consolidated ordinary stock so to be issued but if any holder of existing shares neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of nine months after notice in writing sent by post to the address appearing in the "shareholders' address book" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which he is entitled until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

**26.** All transfers or other dispositions of any existing shares shall after the date of conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated ordinary stock which represent the shares thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before that date and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any of the existing shares shall be held to apply to an amount of consolidated ordinary stock equal to that into which

Transfers of existing shares to operate as transfers of consolidated ordinary stock.

A.D. 1926. — such specific amount of stock shall have been converted or which shall be substituted for the same under the provisions of this Act.

As to un-  
exercised  
powers of  
raising  
capital.

**27.** The powers of the Company remaining unexercised at the date of conversion of raising money by the creation and issue of new ordinary shares or stock or new preference shares or stock shall be exerciseable by the Company at any time after that date by the creation and issue of additional amounts of consolidated ordinary stock or by the creation and issue of new preference shares or stock or wholly or partially by any one or more of those modes respectively.

#### ADDITIONAL CAPITAL &C.

Additional  
capital.

**28.** The Company may from time to time raise additional capital to such nominal amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed on the issue or re-issue thereof any sum not exceeding in the whole thirty thousand pounds by the creation and issue of further consolidated ordinary stock or by the creation and issue of new preference shares or stock or wholly or partially by any one or more of those modes respectively.

New capital  
to rank  
with exist-  
ing capital  
of same  
class.

**29.** Any consolidated ordinary stock created under the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital" and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if such consolidated ordinary stock were part of the consolidated ordinary stock created by virtue of this Act for the purpose of carrying into effect the conversion of capital effected by this Act.

New prefer-  
ence shares  
or stock  
may be of  
same class.

**30.** The Company may if they think fit raise by the creation and issue of new preference shares or stock of one and the same class all or any part of the aggregate capital which they are by the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital" authorised to raise by the creation and issue of new preference shares or stock.

**31.**—(1) All shares or stock created under the powers of the sections of this Act of which the marginal notes are respectively “As to unexercised powers of raising capital” and “Additional capital” shall be issued in accordance with the provisions of this section.

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New shares  
or stock to  
be sold by  
auction or  
tender.

(2) All shares or 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 Company shall from time to time determine:

Provided as follows:—

- (a) Notice of the intended sale shall be given in writing to the town clerk of each borough 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 shares or 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.

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(3) Any shares or stock which have or has been so offered for sale and are or is not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the 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 shares or stock that if the aggregate amount of shares or 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 shares or stock which have or has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are or is not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold 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 shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock.

Voting  
rights.

**32.** At all general meetings of the Company held after the date of conversion every holder of consolidated ordinary stock of the nominal value of ten pounds or more shall be entitled to one vote in respect of every sum of ten pounds of the nominal value of such consolidated ordinary stock.

Restrictions  
as to votes in  
respect of pre-  
ference shares  
or stock.

**33.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Dividends  
on consoli-  
dated

**34.** The maximum dividend payable on the consolidated ordinary stock of the Company shall be at



the rate of five per centum per annum which rate shall be deemed to be the prescribed rate for the purposes of the Waterworks Clauses Act 1847.

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—  
ordinary  
stock.

**35.** The Company shall not in any year pay out of their profits any larger dividend on the preference capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds of such capital.

Limit of  
dividend on  
preference  
capital.

**36.**—(1) Consolidated ordinary stock shall be issued and be held in amounts of one pound or of any multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of such stock which would reduce the holding of the transferor below or make the holding of the transferee less than one pound of stock.

Minimum  
holdings of  
consolidated  
ordinary  
stock.

(2) Notice of this enactment shall be stated in all certificates of consolidated ordinary stock issued after the passing of this Act.

**37.** Any sums received by the Company under the Act of 1898 in excess of the total amount of money (including premiums) authorised to be raised by that Act shall be deemed to be money raised under the powers of that Act.

Authorisa-  
tion of ex-  
cess capital  
under Act  
of 1898.

**38.** The Company may without being required to obtain the certificate of a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking or raise by the creation and issue of debenture stock any sum not exceeding (together with the moneys which at the passing of this Act have been so borrowed or raised) one hundred and thirteen thousand pounds.

Borrowing  
powers in  
respect of  
issued  
capital.

**39.** 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 amount of any consolidated ordinary stock and of any preference capital which at the time of borrowing has been created and issued by or under the powers of the sections of this Act of which the marginal notes are respectively "As to unexercised powers of raising capital" and "Additional capital"

Power to  
borrow.

A.D. 1926. 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 amounts payable in respect of the shares or stock at the time issued have been fully paid up.

Existing mortgages to have priority.

40. 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.

Power to create debenture stock.

41. 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 34 (Debenture stock) of the Act of 1898.

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

42. All moneys 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 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 Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

43. 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.

A.D. 1926;  
Appoint-  
ment of  
receiver.

44. 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.

45. The powers of the Company under the Act of 1898 the Act of 1905 and the Brompton Chatham Gillingham and Rochester Water Order 1921 to borrow moneys on mortgage or to raise moneys by the creation and issue of debenture stock so far as such powers remain unexercised at the passing of this Act are hereby repealed.

Repeal of  
unexercised  
borrowing  
powers.

46. 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.

Application  
of existing  
capital.

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

Application  
of money.

#### SUPPLY OF WATER &C.

48. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised

Notice to  
Company of  
connecting  
or dis-  
connecting  
meters.

A.D. 1926. by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Meters &c.  
to measure  
water or  
detect  
waste.

49. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus :

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

Power to  
Company to  
repair com-  
munication  
pipes.

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

**51.** Notwithstanding anything in any Act or Order relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

A.D. 1926.  
—  
Company to connect communication pipes with mains.

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

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

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

**53.** 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 whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

**54.** 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

Water rates payable by owners of small houses.

A.D. 1926. — 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.

Special  
terms for  
supplies to  
caravans  
&c.

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

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

#### MISCELLANEOUS.

Contracts  
by directors.

**56.** 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.

A.D. 1926.

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**57.** 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 shares or 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  
candidature  
of or oppo-  
sition to re-  
election of  
director.

**58.**—(1) As from the date of conversion the qualifi-  
cation of a director of the Company shall be the possession  
in his own right of consolidated ordinary stock and  
preference shares and stock or any of them of the nominal  
value of at least five hundred pounds.

Qualifica-  
tion of  
directors.

(2) As from the date of conversion so much of  
section 27 (Number and qualification of directors) of the  
Act of 1860 as relates to the qualification of directors  
shall be repealed.

**59.** Notwithstanding anything in the Companies  
Clauses Consolidation Act 1845 the attorney of any  
shareholder or stockholder duly authorised in writing

As to  
appoint-  
ment of  
proxies.

A.D. 1926. — may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or 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.

Joint  
holders;

**60.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or 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 shares or stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

Several  
sums in one  
summons.

**61.** Where the payment of more than one sum by any person is due under the Chatham and District Water Acts and Order 1860 to 1926 any summons or warrant issued for the purposes of any of those Acts or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of  
penalties  
&c.

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

Recovery  
of demands.

**63.** Proceedings for the recovery of any demand made under the authority of the Chatham and District Water Acts and Order 1860 to 1926 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. A.D. 1926.

**64.** Nothing in this Act contained authorises the Company— For protection of War Department.

(1) To take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing under his hand which consent the Secretary of State is authorised to give subject to such special or other conditions as they or he shall see fit to impose on the Company; or

(2) To take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without such consent as aforesaid;

(3) This section shall take effect notwithstanding that any such land as in this section mentioned may be delineated in the deposited plans or described in the deposited book of reference.

**65.** The following sections of the undermentioned Acts are hereby repealed (that is to say):— Repeal.

The Act of 1860—

Section 47 (Proviso as to construction of water-closets);

Section 49 (Persons using water to provide stop-cocks &c.);

Section 50 (Persons using water for waterclosets provide cistern and ballcock);

Section 51 (Penalty for using water for other than domestic purposes without agreement);

A.D. 1926.

- Section 52 (Penalty for affixing tubes to Company's mains &c. for washing of windows &c.);  
 Section 53 (Power to stop supply of water in case of waste);  
 Section 56 (Power to Company to sue for rates);  
 Section 58 (Several names &c. in one warrant);  
 Section 59 (Costs of distress).

## The Act of 1898—

- Section 37 (Power to erect &c. cottages for officers and servants);  
 Section 39 (Meters not to be disconnected &c. without notice);  
 Section 43 (Where several houses supplied with water by one pipe each to pay);  
 Section 44 (Supply of water to tenements in a row);  
 Section 50 (Recovery of demands under fifty pounds).

## The Act of 1905—

- Section 17 (New shares or stock to be offered by auction or tender);  
 Section 18 (Purchase money of capital sold to be paid within three months);  
 Section 19 (Notice to be given as to sale of shares or stock);  
 Section 20 (Shares or stock not sold may be offered to shareholders employees or consumers);  
 Section 23 (Appointment of receiver);  
 Section 28 (Recovery of demands).

Costs of Act.

**66.** All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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