



CHAPTER xxiv.

An Act to confirm the construction of a well of the Newquay and District Water Company and for other purposes. A.D. 1928.
[2nd July 1928.]

WHEREAS the Newquay and District Water Company (in this Act referred to as "the Company") are by the Newquay and District Water Acts 1882 and 1907 (in this Act respectively referred to as "the Act of 1882" and "the Act of 1907") authorised to construct and maintain waterworks and to supply water within the limits in the county of Cornwall thereby prescribed:

And whereas the water which the Company are now authorised to take and appropriate is inadequate to meet the constantly growing demand for water within their limits of supply and in order to afford an adequate supply within the said limits it is expedient that the construction of a well and pumping station at Trewollack in the parish of Saint Columb Minor should be confirmed and that the Company should be empowered to use for the purposes of their undertaking all waters which can be taken or intercepted thereby:

And whereas maximum rates for the supply of water by the Company were prescribed by the Act of 1907 and by the Newquay and District Water Company (Modification of Charges) Order 1925 the said maximum rates were increased by thirty per centum:

And whereas the maximum rates as so authorised are inadequate to enable the Company either to pay a reasonable dividend on the capital already subscribed

[Ch. xxiv.] *Newquay and District. [18 & 19 GEO. 5.]*
Water Act, 1928.

A.D. 1928. — or to raise further capital for essential purposes of their undertaking and it is accordingly expedient that such maximum rates should be increased as by this Act provided :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the schedule to this Act and it is expedient that the Company should be authorised to borrow further moneys in respect of the share capital which they have raised or are now authorised to raise :

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

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

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 :—

Short and
collective
titles.

1. This Act may be cited as the Newquay and District Water Act 1928 and the Newquay and District Water Acts 1882 and 1907 and this Act may be cited together as the Newquay and District Water Acts 1882 to 1928.

Incorpora-
tion of Acts.

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

(1) The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement) :

(2) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and with respect to the provision to be made for affording access to the special Act by all parties interested and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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 shall have the same respective meanings.

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Interpreta-
tion.

4. The construction of a well and pumping station at Trewollack in the parish of Saint Columb Minor in the county of Cornwall situate in the enclosures numbered 661 and 662 on the 1/2500 Ordnance map of the said parish sheet No. XL-1 (second edition 1907) and the expenditure of money thereon is hereby sanctioned and confirmed and the Company may from time to time alter improve enlarge extend renew reconstruct or discontinue the said well and pumping station and may construct and maintain all such shafts adits headings machinery works and apparatus as may be necessary or convenient in connection with or subsidiary thereto and may retain hold and use for the purposes of their undertaking all or any of the lands or any interest in any lands already acquired by them for the purposes of or in connection with the said well and pumping station. Provided that any electrical works or apparatus constructed or maintained under the provisions of this section 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 such line.

Confirma-
tion and use
of well
and pump-
ing station.

5. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of their undertaking all underground streams springs and waters which will or may be taken or intercepted by means of the well and pumping station the construction of which is by this Act confirmed.

Power to
take waters.

6. In addition to any other lands which the Company are now authorised to take or purchase they may by agreement take purchase or lease and hold for any purpose of their undertaking any lands not exceeding in the whole ten acres but the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as may be used

Purchase of
lands by
agreement.

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Water Act, 1928.

A.D. 1928. — for offices and dwellings for persons in their employ or such buildings and works as may be incidental to or connected with the purposes of their undertaking.

Power to hold lands and exercise powers for protection of waters.

7.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Company may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Company may have acquired for the purposes of their undertaking so long as they shall deem it necessary or expedient for those purposes.

(2) The Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor shall they erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Company.

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

(4) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the works forming part of their undertaking with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be collected diverted and appro-

priated by the Company flowing to upon or from such lands directly or derivatively into any of the works forming part of their undertaking. A.D. 1928.

8. The Company may on all or any of the lands from time to time held by them execute for the purposes of or in connection with their 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.

9.—(1) From and after the thirtieth day of September one thousand nine hundred and twenty-eight section 31 (Rates for supply of water for domestic purposes) and section 38 (Price of supply by measure) of the Act of 1907 shall be read and construed as if the various rates and charges provided for by those sections were increased by fifty-five per centum and as from the said date the Newquay and District Water Company (Modification of Charges) Order 1925 shall cease to have effect. Alteration of rates and charges.

(2) From and after the said date the said section 31 shall be read and construed as if the words " fifty gallons " were inserted therein in lieu of the words " seventy gallons."

(3) From and after the coming into operation within the limits for the supply of water by the Company of the first new valuation list made under Part II of the Rating and Valuation Act 1925 the expression " gross estimated rental " where used in the said section 31 shall have the meaning assigned to the expression " gross value " by section 68 of the said Act of 1925.

10. In the event of the Minister of Health being satisfied that the cost of labour and materials or other circumstances affecting the undertaking of the Company (including alterations after the first day of January one thousand nine hundred and twenty-eight in the gross value of hereditaments supplied with water by the Company) have substantially altered he may if he think fit on the application of the Company or of a local authority having jurisdiction within the limits for the Revision of rates and charges.

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Water Act, 1928.

A.D. 1928. — supply of water by the Company 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 maximum rates and charges for the supply of water by this Act authorised :

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

Supplies to
institutions
&c.

11.—(1) The Company shall not be bound to supply with water otherwise than by measure—

- (a) any workhouse hospital or asylum (whether public or private) sanatorium school club hotel restaurant public-house or inn ;
- (b) any boarding house or common lodging-house capable of accommodating at least twelve persons ; or
- (c) any public institution which is habitually occupied by at least twenty persons.

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

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water to any premises by measure for domestic purposes under section 37 (Supply to houses partly used for trade &c.) of the Act of 1907 or to any of the premises in this section mentioned shall be one fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross estimated rental.

12. Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company shall be entitled to require that all water so used shall—

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Charges for
supplies for
refrigerating
apparatus.

(a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the consumer and the Company.

13. Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and construed as if the words "one-eighth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively.

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

14.—(1) Any urban or rural district council whose district is in whole or in part within the limits for the supply of water by the Company 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 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.

Guarantees
by district
councils.

(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. Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate.

(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 for

A.D. 1928. — the supply of water by the Company 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 person liable to maintain pipes &c. to open ground.

15.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 or under any other Act or any Order relating to the Company 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.

(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 within the limits for the supply of water by the Company execute such works on behalf of such owner or occupier and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

As to provision of separate pipe.

16. If the owner of any house supplied with water by the Company when so required in pursuance of section 59 (Company not bound to supply several houses by one pipe) of the Act of 1882 fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Company may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Power to Company to repair communication pipes.

17. 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 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.

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18. Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of the 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 but subject to any obligations of such owner or occupier in relation to the execution of such work and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Company to connect communication pipes with mains.

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

Maintenance of common pipe.

20.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of

As to register of meter.

A.D. 1928. — water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Company. Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

Fittings on hire to remain property of Company.

21. 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.

Penalty for closing and opening valves and apparatus.

22.—(1) 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 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. A.D. 1928.
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(2) Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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

24. Notwithstanding anything contained in section 45 (Power to raise additional capital) of the Act of 1907 the Company may issue as preference capital any of the additional capital authorised by that Act which has not been issued at the passing of this Act. Issue of authorised capital as preference capital.

25. The provisions of section 50 (Profits of Company on additional share capital limited) of the Act of 1907 in so far as they limit the rate of dividend on the unissued preference capital of the Company are hereby repealed and notwithstanding anything contained in the Companies Clauses Act 1863 any preference capital which may be hereafter issued under the powers of the said Act of 1907 may be capital with a dividend at such rate not exceeding seven per centum as the directors of the Company may determine at the time or times of the creation or issue thereof. Alteration of limit of dividend on unissued capital.

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

26.—(1) All shares or stock (other than debenture stock) issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

(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 clerk to the council of any district which includes a part of the limits for the supply of water by the Company and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits 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 except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;
- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;

(f) 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. A.D. 1928.
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(3) Any shares or stock which have been so offered for sale and are 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 a 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 or by them respectively.

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

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

27.—(1) Notwithstanding anything contained in the Act of 1907 or this Act the Company with the approval of the Minister of Health may—

(a) when ordinary or preference shares or stock of the Company are or is to be issued (and whether or not the then existing ordinary or preference shares or stock are or is at a premium) before offering the shares or stock so to be issued for sale by auction or tender offer the shares or stock to the consumers of water supplied by

Provisions as to sale of shares or stock and payment of commissions.

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the Company and persons in the employ of the Company at not less than the then value thereof;

- (b) offer for subscription by the public free from the provisions of the last preceding section of this Act (but subject to such conditions as the said Minister may think fit to impose) any shares or stock to be so issued as aforesaid; and
- (c) on the offer for sale or subscription by the public of any shares or stock to be so issued as aforesaid or any debenture stock to be issued by the Company after the passing of this Act pay a commission not exceeding five per centum. Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale or inviting subscriptions for such shares or stock.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any shares or stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Company's books sales of shares or stock of the same class were effected within the period of six months immediately preceding the date on which the value of the shares or stock is required to be determined or if there have been only one sale or no sale of such shares or stock during such period then the price at which the last sale of such shares or stock was effected making due allowance for any probable change in value since such date due to the accrual or payment of dividend or any other cause.

(3) Nothing in this section shall affect any power of the Company to pay brokerage.

Power to borrow in respect of authorised capital.

28. The Company may subject to the provisions of this Act borrow on mortgage of their undertaking in addition to the moneys which they are now authorised to borrow any sum or sums not exceeding in the whole twelve thousand and eighty-three pounds six shillings and eight pence (being the amount necessary to increase their borrowing powers to one half of the amount of their

authorised capital) but no part of such sum of twelve thousand and eighty-three pounds six shillings and eight pence shall be borrowed until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock or shares in respect of which it is borrowed together with the premium (if any) realised on the sale thereof have been fully paid up. A.D. 1928.

29. Section 59 (For appointment of receiver) of the Act of 1907 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. Appointment of receiver.

30.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock (all of which are in this section included in the expression "stock") which they may hereafter create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed or to be passed at a special meeting convened for the purpose. Redeemable preference capital and debenture stock.

(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 date fixed for redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to the holder of any stock subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off the stock or for the purpose of providing substituted stock the Company may create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid:

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Provided that the creation and issue for any such 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 except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(4) The Company shall not redeem out of revenue any stock created and issued as aforesaid.

(5) Any stock created and issued solely in substitution for stock shall not be subject to the provisions of the section of this Act of which the marginal note is "New shares or stock to be sold by auction or tender."

As to
share-
holders'
register.

31. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register of the shareholders of the Company by affixing the common seal of the Company to such register.

Interim
dividends.

32. 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 in any half year one half of the amount of the maximum rates of dividend on the ordinary capital or one half of the annual dividend assigned to the preference capital of the Company in respect of which such interim dividend is declared.

Closing of
transfer
books.

33. The directors may close the registers of transfers of shares and stock and the registers of holders of debentures or debenture stock for a period not exceeding fourteen days previous to a declaration of any interim dividend or to the payment of any interest on such debentures or 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 Newquay 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 otherwise be considered as made subsequently to the declaration of any such dividend or payment of any such interest.

34. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing 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 before or at the same time as the instrument appointing the proxy.

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Appoint-
ment of
proxies.

35. Notwithstanding anything contained 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 stand shall for the purposes of this section be deemed joint holders thereof.

Joint
holders.

36. The number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Number of
directors.

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

Directors may
determine re-
muneration
of secretary
and auditors.

38. The provisions contained in the sections of the Act of 1907 the numbers and marginal notes of which are specified hereunder shall extend and apply as if they were also set forth and enacted in this Act (that is to say) :—

Incorpora-
tion of
provisions
of Act of
1907.

Section 30 (Limit of pressure);

Section 58 (Priority of existing mortgages);

Section 60 (Debenture stock);

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Section 62 (Priority of money raised on mortgage or debenture stock over other claims);

Section 68 (Application of Arbitration Act 1889);

Section 69 (Application of moneys); and

Section 71 (Saving rights of Duchy of Cornwall).

Application of funds.

39. The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage under and by virtue of the Act of 1882 and the Act of 1907 and which may not be required for the purposes to which they are by those Acts made specially applicable.

Several sums in one summons.

40. Where the payment of more than one sum by any person is due under this Act or any other Act from time to time relating to the Company 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.

Recovery of penalties &c.

41. Except where otherwise expressly provided all offences against this Act or any other Act from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable thereunder 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.

42. Proceedings for the recovery of any demand made under the authority of this Act or any other Act from time to time relating to the Company 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.

43. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act from time to time relating to the Company by reason of his being liable to any rate. A.D. 1928.
—
Judges not disqualified.

44. Penalties imposed under this Act or any other Act from time to time relating to the Company and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative. Penalties not cumulative.

45. The following enactments are hereby repealed:— Repeal.

The Act of 1882—

- Section 10 (Receipt in case of persons not sui juris);
- Section 18 (Number of directors);
- Section 62 (Liability to water rent not to disqualify justices &c.);
- Section 65 (Penalties not cumulative).

The Act of 1907—

- Section 23 (Power to agree as to drainage of lands &c.);
- Section 40 (Register of meter to be prima facie evidence);
- Section 51 (New shares or stock to be offered by auction or tender);
- Section 52 (Purchase money of shares or stock sold to be paid within three months);
- Section 53 (Notice to be given as to sale of shares or stock);
- Section 54 (Disposal of shares or stock not sold by auction or tender);
- Section 65 (Recovery of penalties);
- Section 66 (Recovery of demands); and
- Section 67 (Contents of summons).

46. 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. Costs of Act.

[Ch. xxiv.] *Newquay and District* [18 & 19 GEO. 5.]
Water Act, 1928.

A.D. 1928.

The SCHEDULE referred to in the
 foregoing Act.

CAPITAL OF THE COMPANY AUTHORISED BY
 THEIR PREVIOUS ACTS.

	Nature of Capital.	Amount Authorised.	Total Issued.	Remaining to be Issued.
		£ s. d.	£ s. d.	£ s. d.
SHARE CAPITAL.	Act of 1882.	20,000 0 0	20,000 0 0	—
	Act of 1907.	17,500 0 0	12,000 0 0	5,500 0 0
	7 per cent. ordinary or 5 per cent. preference shares.	19,000 0 0	—	19,000 0 0
		£56,500 0 0	£32,000 0 0	£24,500 0 0
LOAN CAPITAL.	Act of 1882.	5,000 0 0	5,000 0 0	—
	Act of 1907.	11,166 13 4	5,600 0 0	5,566 13 4
		£16,166 13 4	£10,600 0 0	£5,566 13 4

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