



**CHAPTER xxxvi.**

An Act to confer further powers on the Falmouth Waterworks Company and for other purposes. A.D. 1928.  
[2nd July 1928.]

**W**HEREAS by the Falmouth Waterworks Act 1862 the Local Act 10 & 11 Vict. c. 126 whereby the Falmouth Waterworks Company (hereinafter referred to as "the Company") were incorporated was repealed and further and other powers were granted instead thereof but notwithstanding such repeal it was enacted that the Company were to remain and continue incorporated by their original name :

And whereas further powers were conferred on the Company by the Falmouth Waterworks Act 1877 and the Falmouth Water Act 1891 :

And whereas the preference stocks of the Company issued under the said Acts of 1862 and 1877 have been consolidated in pursuance of the powers conferred by the said Act of 1891 and a statement of the authorised share and loan capital of the Company as now existing is set forth in the schedule to this Act :

And whereas the limits within which the Company are authorised to supply water now consist of the boroughs of Falmouth and Penryn and the parishes of Budock Rural Mylor and St. Gluvias in the rural district of East Kerrier in the county of Cornwall :

And whereas the demands for water within the said limits have increased and are increasing and it is

A.D. 1928. — expedient to authorise the Company to construct the works in this Act mentioned and to raise additional capital :

And whereas it is expedient that the rates and charges which the Company are authorised to demand for water supplied by them be increased and that further powers be conferred on the Company as by this Act provided and that the other provisions of this Act be enacted :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cornwall and are hereinafter respectively 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 :—

Short and  
collective  
titles.

1.—(1) This Act may be cited as the Falmouth Water Act 1928.

(2) The Act of 1862 the Act of 1877 the Act of 1891 and this Act may be cited together as the Falmouth Water Acts 1862 to 1928.

Incorpora-  
tion of  
Acts.

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

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital ;

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV ;

The Lands Clauses Acts;

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The Waterworks Clauses Acts 1847 and 1863.

(2) In the application to the Company of the Waterworks Clauses Act 1847 as incorporated with the existing Acts and this Act—

(a) Section 44 shall have effect as if the words “ with  
“ the consent in writing of the owner or reputed  
“ owner of any such house or of the agent of such  
“ owner ” were omitted therefrom; and

(b) Sections 76 to 79 shall be deemed not to be so incorporated and shall cease to apply to the Company.

(3) The provisions of Part III (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall extend and apply to any debenture stock issued under the Act of 1862 and to the holders thereof and to the Company with reference thereto and shall supersede anything in the Act of 1862 which is inconsistent with those provisions.

(4) The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers shall apply to the reservoirs constructed by the Company before the passing of or under the powers of the Act of 1862 in lieu of the provisions of sections 52 to 61 (inclusive) of the Act of 1862 repealed by this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And unless the context otherwise requires—

“ The Company ” means the Falmouth Waterworks Company;

“ The Act of 1862 ” means the Falmouth Waterworks Act 1862;

“ The Act of 1877 ” means the Falmouth Waterworks Act 1877;

“ The Act of 1891 ” means the Falmouth Water Act 1891;

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“The existing Acts” means the Act of 1862 the Act of 1877 and the Act of 1891;

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

“The undertaking” means the undertaking of the Company as from time to time authorised;

“The new works” means the works described in subsection (1) of section 4 (Power to make works) of this Act;

“Ten per centum ordinary stock” means ordinary stock in the capital of the Company entitled to a maximum dividend of ten per centum per annum;

“Six per centum ordinary stock” means ordinary stock in the capital of the Company entitled to a maximum dividend of six per centum per annum.

#### WORKS AND LANDS.

Power to  
make  
works.

4.—(1) Subject to the provisions of this Act the Company may in the lines and situation and on or under the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works hereinafter described and may enter upon take and use such of the said lands as may be required for the purpose of the said works and for obtaining access thereto.

The works hereinbefore referred to will be situate in the parish of Budock Rural in the rural district of East Kerrier in the county of Cornwall and are—

An aqueduct (No. 1) (consisting of a line or lines of pipes) commencing in the land of the Company adjoining the north-eastern side of their existing reservoir known as the No. 1 Reservoir and terminating in the enclosure numbered 297 in the said parish on the Ordnance map (scale  $\frac{1}{2500}$ ) second edition 1907 Cornwall sheet LXXI-11;

An aqueduct (No. 2) (consisting of a line or lines of pipes) commencing by a junction with the said

aqueduct (No. 1) near its termination and terminating in the reservoir authorised by this Act; A.D. 1928. —

A reservoir to be situate in the north-eastern portion of the said enclosure numbered 297;

An aqueduct (No. 3) (being part of the aqueduct (No. 3) shown on the deposited plans) commencing by a junction with the said aqueduct (No. 1) at its termination and terminating in the road numbered 6 on the deposited plans at or near its junction with the road numbered 5 on the deposited plans.

(2) In addition to the foregoing works the Company may on or under the said lands make and maintain all such buildings machinery works and apparatus of whatever character (other than wells or other works for taking or intercepting water) as may be necessary or convenient in connection with or subsidiary to the new works or any of them but nothing in this subsection shall exonerate the Company from any action indictment or other proceeding for nuisance if any nuisance is caused or permitted by them.

5. In the construction of the new works the Company may (subject to the provisions of this Act) deviate to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided that no embankment of the reservoir authorised by this Act shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition thereto and that no part of the aqueducts authorised by this Act shall be raised above the surface of the ground. Limits of deviation.

6. If the new works are not completed before the first day of August nineteen hundred and thirty-one then as from that date the powers by this Act granted to the Company for executing such works or in relation thereto respectively shall cease except as to so much thereof as is then completed Provided always Period for completion of new works.

A.D. 1928. — that subject to the restrictions and provisions of this Act the Company may at any time after the expiration of the said date within the limits of deviation shown on the deposited plans alter enlarge and renew any of the new works as they may think expedient to provide for the requirements of the undertaking.

Power to  
take waters.

7. The Company may by means of the works authorised by this Act pump raise and distribute for the purposes of the undertaking all or any waters which they are by the existing Acts authorised to impound in any of the reservoirs authorised by the existing Acts.

Limiting  
powers of  
Company to  
abstract  
water.

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

Additional  
lands for  
access &c.

9. In addition to any other lands which the Company are by this Act authorised to acquire they may for the purposes of this Act and the general purposes of the undertaking enter upon take and use the enclosures numbered 294 and 297 in the parish of Budock Rural on the Ordnance map (scale  $\frac{1}{2500}$ ) second edition 1907 Cornwall sheet LXXI-11.

Power to  
acquire  
easements.

10.—(1) The Company may in lieu of acquiring any lands for the purposes of the new works where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of 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 passed.



(3) Provided that nothing in this section 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.

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(4) Every notice to treat for the acquisition of an easement shall either contain or be endorsed with a copy of this section.

**11.** 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 &amp;c.

**12.** The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease on the thirty-first day of December nineteen hundred and thirty.

Period for compulsory purchase of lands.

**13.—(1)** In addition to any other lands which the Company are by the existing Acts and this Act authorised to acquire or hold the Company may purchase take on lease or otherwise acquire by agreement and hold for the purposes of the undertaking (including the purpose of protecting their waterworks and water supplies against pollution fouling or contamination) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Company may deem necessary for those purposes. Provided that the quantity of lands held by the Company in pursuance of this subsection shall not at any time exceed sixty acres and the quantity of land so held by the Company otherwise than for the purpose of protecting their waterworks and water supplies shall not exceed five acres.

Additional lands.

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(2) The Company may on all or any of the lands for the time being held by them under this section 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 or works for taking and intercepting water) Provided that the Company shall not create or permit the creation or continuance of any nuisance on any such lands (so long as the same are held by them) nor erect any buildings thereon except such buildings and works as may be incident to or in connection with the undertaking.

Power to  
agree as to  
drainage of  
lands &c.

14. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works authorised by the existing Acts 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 by the existing Acts and this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Retention  
and disposal  
of lands.

15. Notwithstanding anything in this or any other Act or Acts to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them under the existing Acts and this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Dwelling-  
houses for  
employees  
offices &c.

16. The Company may purchase or take on lease houses cottages and other buildings for any of their employees and offices and other buildings for the purposes



of the undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Company. A.D. 1928.  
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17.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any reservoir aqueduct pipe or other work of the Company the Company may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter. Discharge of water into streams.

(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 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.

(3) The rate at which the Company may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Company and the local authority in whose district the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration under and pursuant to the provisions of the Arbitration Act 1889 to be reasonable having regard to all the circumstances of the case.

#### SUPPLY OF WATER &C.

18. As from the first day of August nineteen hundred and thirty-one or the completion of the reservoir authorised by this Act whichever shall first occur section 63 (Company need not supply water to top of houses or under pressure in certain parts of limits) and section 64 (Company may suspend supply of water under pressure for two hours daily) of the Act of 1862 shall become and be by virtue of this Act repealed and thereafter the water supplied by the Company shall be constantly laid on under pressure in accordance with the provisions of the Waterworks Clauses Act 1847 Provided that the Company shall not be obliged to supply water at any time at Pressure of supply.

A.D. 1928. — a pressure greater than that afforded by gravitation from the reservoir or tank from which the supply is given.

Mainten-  
ance of  
common  
pipe.

**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 contributions shall be settled by the Company's manager or engineer.

Separate  
communi-  
cation pipes  
may be  
required.

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

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

(3) The provisions of this section shall not apply to any part of a house occupied as a separate tenement if the owner is liable for the payment of the water rate in respect thereof.

As to com-  
munication  
pipes.

**21.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 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 in the limits of supply 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 and shall be recoverable summarily as a civil debt. A.D. 1928.

**22.** 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 without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Company for the purposes of ascertaining the injury or defect and executing the repairs (including the expense 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 emergency) the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter. Power to Company to repair communication pipes.

**23.—(1)** The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and Byelaws for preventing waste of water.

A.D. 1928. — the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and these sections shall for the purposes of this section be construed as if the Company were the local authority within the meaning of these sections and the secretary were the clerk of the local authority.

(4) Any such byelaws in force for the time being shall be published by a copy thereof being kept at the office of the Company within the limits of supply which copy shall be open to the inspection of all persons at all reasonable times without payment and the Company shall also furnish a printed copy of all such byelaws to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

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

Meters &c.  
to measure  
water or  
detect  
waste.

24. 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 stop-cocks in the pipes supplying houses with water and may insert in the roads or footway the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily break up and

interfere with public and private streets roads lanes footways courts passages tramways pipes wires and apparatus Provided that the Company shall not break up or interfere with any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General except in accordance with and subject to the provisions of the said Act. A.D. 1928. —

**25.** The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with the existing Acts and this Act : Power to lay pipes in private streets.

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street or road to which this section applies and which is situate within the area of that authority.

**26.** 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 by the Company Any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Company of connecting or disconnecting meters.

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

**28.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for Injuring meters &c.



A.D. 1928. — measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them in the same manner as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly or wilfully caused by the consumer using such pipe meter instrument or fittings.

For protection of local authorities.

**29.** The following provisions for the protection of the mayor aldermen and burgesses of the borough of Falmouth the mayor aldermen and burgesses of the borough of Penryn and the East Kerrier Rural District Council (each of which is in this section referred to as "the local authority") shall unless otherwise agreed between the Company and the local authority have effect in addition to any other enactment for the time being in operation for such protection (that is to say):—

- (1) All new mains pipes and works not being replacements of existing mains pipes and works to be

laid down or executed in or affecting any street or road for the time being maintainable by the local authority shall be laid down or executed in such position in or at the side thereof and at such depth not exceeding three feet as the local authority in writing under the hand of their surveyor may reasonably direct :

- (2) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such street or road as aforesaid be not less than seven days instead of three days :
- (3) Except in cases of laying down connecting or repairing consumers' service pipes and except in cases of leakage bursting or other emergency the plan required by section 31 of the Waterworks Clauses Act 1847 shall as regards any such street or road as aforesaid be on a scale of not less than twenty-five inches to the mile and such plan shall be drawn to suitable scales to show clearly the proposed works and their proposed position and depth and shall be delivered to the local authority or their surveyor by the Company not less than seven days before the Company commence to open or break up or interfere with any such street or road as aforesaid :
- (4) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic of any such street or road as aforesaid and the Company shall not break up at any one time a greater consecutive length than fifty yards at any place where only one cart can pass at the side of the opening or one hundred yards where only two carts can pass at the same time :
- (5) The Company shall not without the consent in writing of the local authority (which consent shall not be unreasonably withheld) open or break up the roadway over or in any manner interfere with the structure of any bridge for the time being maintainable by the local authority but

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shall if so reasonably required by the local authority attach any main or pipe which they may wish to carry across such bridge under or on the outside of such bridge in such manner as the local authority may reasonably direct: .

- (6) If the local authority shall for the purpose of reconstructing or altering any such bridge as aforesaid at any time require the position or level of any main pipe or other work of the Company laid in or by the side of any such bridge as aforesaid to be altered the Company shall at their own expense if the main pipe or work was laid after the passing of this Act and at the expense of the council if it was laid before the passing of this Act on receiving notice in writing under the hand of the clerk of the local authority so to do alter the same in such manner as may be reasonably required by such notice and under the superintendence of the surveyor of the local authority if the same be given and any additional expense in relation to the reconstruction or alteration of any such bridge as aforesaid to which the local authority may be put by reason of the necessity for providing for any main pipe or other work of the Company laid after the passing of this Act shall be paid by the Company to the local authority. Provided that during the reconstruction or alteration of any such bridge as aforesaid the local authority shall afford all reasonable facilities to enable the Company temporarily to carry such mains pipes and other works across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains pipes and works:
- (7) If the Company in the execution of any works in or affecting any such street or road or bridge as aforesaid shall cause any damage injury or disturbance to the same and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the local authority after fourteen days' notice to the Company of their alleged

neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the local authority all costs charges and expenses which the local authority shall reasonably and properly incur in carrying out such works: A.D. 1928.

- (8) No claim shall be made against the local authority for damage to any main pipe or other works of the Company unless the Company shall within forty-eight hours of the discovery by them or their servants of such damage have given written notice thereof to the surveyor of the local authority and shall have given him a reasonable opportunity and facilities for inspecting such work:
- (9) Any difference which arises between the Company and the local authority under this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party in dispute after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

**30.** For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Great Western Company and the Company apply and have effect (that is to say):— For protection of Great Western Railway Company.

- (1) The Company shall not exercise the powers conferred by the section of this Act of which the marginal note is "Discharge of water into streams" so as to damage or injuriously affect the railways or works of the Great Western Company:
- (2) No byelaws made under the section of this Act of which the marginal note is "Byelaws for preventing waste of water" shall apply to any water or water fittings being used on the premises of the Great Western Company other than premises to which the Company are bound under

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the Waterworks Clauses Act 1847 to afford a constant supply:

- (3) The Company shall not without the previous consent of the Great Western Company (which consent shall not be unreasonably withheld) exercise the powers conferred on them by the sections of this Act of which the marginal notes are—

“As to communication pipes”;

“Power to Company to repair communication pipes”;

“Meters &c. to measure water or detect waste.”;

“Power to lay pipes in private streets”;

in respect to any street which is the property of the Great Western Company:

- (4) Any difference which may arise between the Company and the Great Western Company under this section shall be referred to a single arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

#### RATES AND CHARGES.

Rates for  
domestic  
purposes.

**31.**—(1) As from the twenty-fifth day of December nineteen hundred and twenty-eight section 65 (Rates at which the Company are to supply water) and section 68 (Charge for several waterclosets &c.) of the Act of 1862 shall be by virtue of this Act repealed and in lieu thereof the following provisions of this section shall have effect.

(2) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the existing Acts or this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding—

- (i) until the twenty-fifth day of December nineteen hundred and twenty-nine the rate of nine per



centum on the rateable value of the house or part of a house supplied; and A.D. 1928.

- (ii) after the last mentioned day the rate of eleven per centum on such rateable value :

Provided that the Company shall not at any time be required to afford a supply of water for domestic purposes to any premises at a less sum than fourpence per week.

(3) The rateable value of any such house or part of a house as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding ten shillings per annum and in respect of every fixed bath capable of containing not more than fifty gallons and of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than fifty gallons a sum not exceeding ten shillings per annum and in respect of every bath capable of containing more than fifty gallons such sum as the Company may think fit. Provided that the additional sum to be charged in respect of any bath fixed in any premises before the passing of this Act and capable of containing fifty gallons but not more than seventy-five gallons shall while it remains in those premises not exceed ten shillings per annum. The additional sums which may be charged under this subsection shall be paid quarterly in advance and be recoverable in all respects with and in the same manner as the water rate.

**32.—**(1) Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the Rates payable by owners of small houses.

A.D. 1928. — 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.

(2) Nothing in this section shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847.

Charges for  
hose-pipes  
and re-  
frigerating  
apparatus.

**33.**—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the existing Acts or this Act for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

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

(3) Where a person who takes a supply of water for any purpose 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—

(i) be taken by meter and paid for accordingly and  
if the consumer only takes a supply for domestic

purposes the minimum quarterly charge for the water so taken by meter shall be five shillings; or A.D. 1928.  
 —

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

**34.**—(1) The Company shall not be bound to supply with water otherwise than by meter— Supply to houses partly used for trade &c.

(a) any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required; or

(b) any workhouse hospital (whether public or private) asylum (whether public or private) sanatorium nursing home school club hotel restaurant public-house inn or common lodging-house; or

(c) any boarding-house or lodging-house capable of accommodating at least twelve persons; or

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

(2) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

**35.** The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that except as by this Act otherwise expressly provided the Company shall be entitled to charge a minimum sum of fifteen shillings in any quarter of the year for water supplied by meter. Price of water supplied by meter.

**36.** The price to be charged by the Company for a supply of water to any local authority for the purposes mentioned in section 37 of the Waterworks Clauses Act 1847 shall not exceed two shillings and threepence per thousand gallons. Price of water for public purposes.

**37.** Section 66 (Water to be supplied to vessels) of the Act of 1862 shall after the passing of this Act have effect as if the words "one shilling and sixpence" were inserted therein in lieu of the words "one shilling." Price of water supplied to vessels.

A.D. 1928.

Revision of  
rates.

**38.**—(1) At any time during the period of three months before and three months after the coming into force within the limits of supply of any and every new valuation list under the Rating and Valuation Act 1925 the Company or any local authority having jurisdiction within the limits of supply may apply to the Minister of Health for a revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the said Minister made in pursuance of this section and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may by order (subject to the provisions of subsection (4) hereof) vary either by way of increase or decrease such rates and charges or any of them.

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

(3) If the new works have not been completed before the twenty-fifth day of December nineteen hundred and thirty any such local authority as aforesaid may within three months after that date apply to the said Minister for a revision of the rates and charges for the supply of water then in force under this Act or under any order of the Minister previously made in pursuance of this section and if such application be made the Minister may by order (subject to the provision of subsection (4) hereof) vary by way of decrease such rates and charges or any of them.

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

FINANCIAL PROVISIONS.

A.D. 1928.

**39.**—(1) The further amount of fifteen thousand pounds which the Company are entitled to raise for the purposes of the undertaking under section 4 of the Act of 1891 may be raised by the Company (as and when they think fit) by the creation and issue (subject to the provisions of this Act) of six per centum ordinary stock and of preference stock or of either such class of stock (but not otherwise) and any such further amount of capital when raised may be applied for any of the purposes of the undertaking but not more than six thousand pounds out of the said fifteen thousand pounds shall be raised by the creation and issue of preference stock.

Additional capital.

(2) The Company may also from time to time raise by the creation and issue of further amounts of six per centum ordinary stock additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of twelve thousand pounds.

**40.**—(1) The six per centum ordinary stock existing at the passing of this Act and all ordinary stock issued after the passing of this Act under the powers of the Act of 1891 and this Act shall for all purposes form one and the same class of ordinary stock.

As to ranking of new stocks.

(2) The preference stock existing at the passing of this Act and all preference stock issued after the passing of this Act under the powers of the Act of 1891 as modified by this Act shall for all purposes form one and the same class of preference stock.

**41.** The profits of the Company to be divided in respect of any year after the passing of this Act among the holders of ordinary stock and preference stock in the capital of the Company shall not exceed the following rates (namely):—

Dividends.

- on the preference stock the rate of five per centum per annum ;
- on the ten per centum ordinary stock the rate of ten per centum per annum; and
- on the six per centum ordinary stock the rate of six per centum per annum;



A.D. 1928. — unless with respect to any ordinary stock a larger dividend be at any time necessary to make up the deficiency of any previous dividend in respect of any year or half-year which shall have fallen short of the said rate of ten per centum per annum or six per centum per annum as the case may be.

Dividend on  
different  
classes of  
stock.

42. If in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock in the capital of the Company a proportionate reduction shall be made in the rate of dividend then to be paid in respect of each class of ordinary stock.

As to back  
dividends.

43. Notwithstanding anything in the Waterworks Clauses Act 1847 or any other Act or Order relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the making up of any deficiency in the dividends paid or payable in respect of any previous half-year or year in any year during which the rate charged by the Company in respect of a supply of water for domestic purposes shall have exceeded eight per centum on the rateable value of any premises supplied with water for those purposes.

New stock  
to be sold  
by auction  
or tender.

44.—(1) All ordinary stock and preference stock created by the Company after the passing of this Act whether under the powers of the Act of 1891 as modified by this Act or under the powers of this Act shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the town clerk of every borough and the clerk to the council of every urban and rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive

weeks in one or more local newspapers circulating within the limits of supply; A.D. 1928.

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

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

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to

A.D. 1928. — the Board of Trade stating the total amount of the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

Power to  
borrow.

**45.**—(1) The Company may at any time after the passing of this Act and without obtaining the certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking in respect of the ordinary stock and preference stock issued prior to the passing of this Act any sum or sums not exceeding in the whole (inclusive of the nominal amount of the debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the sum of twenty-eight thousand pounds. The powers of borrowing conferred by this subsection shall be in substitution for and not in addition to any powers conferred by the existing Acts of borrowing in respect of the ordinary stock and preference stock of the Company issued before the passing of this Act.

(2) The Company may also borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount which at the time of borrowing has been actually raised by the Company (including premiums or excluding discounts as the case may be) on the issue of any ordinary stock and preference stock after the passing of this Act under the powers of the existing Acts or this Act but no sum shall be borrowed in respect of any stock so issued until the Company 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 amount payable on the issue of the stock in respect of which the borrowing powers are exercised and the premiums (if any) realised on the sale thereof have been paid up.

Debenture  
stock.

**46.** The Company may create and issue debenture stock subject to the provisions of section 14 (Debenture stock) of the Act of 1891. Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Appoint-  
ment of  
receiver.

**47.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment

of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. A.D. 1928. —

48. All money to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock 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 in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock. Priority of mortgages over other debts.

49.—(1) If the Company desire to raise by the issue of preference stock any capital which they are by the Act of 1891 as modified by this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference stock or debenture stock as redeemable stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose. Issue of redeemable preference capital and debenture stock.

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

- (i) call in and pay off such preference stock or debenture stock or any part thereof at any time before the date fixed for redemption ;
- (ii) redeem such stock or any part thereof either by paying off such stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off such stock or providing substituted stock the Company may create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of stock does not make

A.D. 1928. — 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 redeemable stock so created and issued as aforesaid except to the extent of any discount allowed on the issue or the premium payable on the redemption of any such stock.

(5) The provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender" shall not apply to any stock created and issued in substitution for or for the purpose of paying off any redeemable stock issued under the powers of this section.

Minimum  
amounts of  
holdings  
and trans-  
fers of  
stock.

**50.**—(1) The ordinary stock preference stock and debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than five pounds or other than an integral number of pounds.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock and debenture stock to be issued by the Company after the passing of this Act.

Receipt in  
case of  
persons not  
sui juris.

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

Application  
of moneys.

**52.** All moneys raised under this Act whether by ordinary preference or debenture stock or borrowing shall be applied for the purposes of the existing Acts and this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.



**53.**—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of the next succeeding section of this Act) and any sums so set apart may from time to time be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the next succeeding section of this Act and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting any extraordinary claim or demand within the meaning of this section.

A.D. 1928.  
 —  
 Reserve  
 fund.

(2) Whenever the reserve fund and any contingency fund which may have been or may be formed by the Company under section 122 of the Companies Clauses (Consolidation) Act 1845 shall together amount to a sum equal to ten per centum of the capital for the time being expended by the Company for the purposes of the undertaking the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

**54.**—(1) The aggregate amount which may be carried by the Company in any year to any reserve fund formed in pursuance of the immediately preceding section of this Act and to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not together exceed a sum equal to one per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

Limit on  
 reserve and  
 contingency  
 funds.

(2) The aggregate amount standing to the credit of any such reserve fund and contingency fund of the

A.D. 1928. — Company as aforesaid shall not together at any time exceed a sum equal to ten per centum of the capital for the time being expended by the Company for the purposes of the undertaking.

Limitation  
on carry  
forward.

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

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

#### ADMINISTRATIVE PROVISIONS.

Ordinary  
meetings.

**56.** Section 32 (First and other ordinary meetings) of the Act of 1862 shall have effect as if the words “ or at such other time as the directors may appoint ” were inserted therein after the word “ March.”

Interim  
dividends  
and annual  
accounts.

**57.** If and so long as the ordinary meetings of the Company shall be held only once in each year the following provisions shall have effect :—

- (a) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting. Provided that the amount of any such interim half-yearly dividend shall not exceed one-half of the authorised yearly rate of dividend on the ordinary stock or preference stock in respect of which such interim dividend is declared;
- (b) The Company and the directors shall not be required to make up a half-yearly balance sheet

and accounts and the balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year. A.D. 1928.  
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**58.**—(1) The directors may close the register of transfers of any ordinary or preference stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such stock and may close the register of transfers of debenture stock or debentures or mortgages of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such debenture stock or debentures or mortgages and may fix a day for the closing of any register which they are authorised to close under the provisions of this section. Seven days' notice of the closing of any such register shall be given by advertisement in some newspaper published in the county of London or the county of Cornwall. Closing of transfer books.

(2) Any transfer of ordinary preference or debenture stock or debentures or mortgages made during the time when the register of transfers of such security is so closed shall as between the Company and the persons claiming under the transfer (but not otherwise) be considered as made subsequently to the payment of any such dividend or interest as the case may be.

**59.** At all general meetings of the Company every holder of ordinary stock and of preference stock shall have one vote in respect of each complete ten pounds in the nominal value of such stock held by him up to one hundred pounds and an additional vote for every complete fifty pounds beyond the first one hundred pounds in such nominal value up to one thousand pounds and an additional vote for every complete one hundred pounds in such nominal value beyond the first one thousand pounds. Voting rights.

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

A.D. 1928. — the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint  
holders.

**61.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of stock of the same class are entitled to vote) either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

As to stock-  
holders'  
register.

**62.** 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 stockholders of the Company by affixing the common seal of the Company to such register.

Directors.

**63.—(1)** The number of directors shall be five but the Company may vary the number between a maximum of eight and a minimum of three.

(2) The qualification of a director shall be the possession in his own right of ordinary and preference stock in the capital of the Company or of either such class of stock of a total nominal amount of not less than five hundred pounds. Provided nevertheless that the qualification of any director who is at the passing of this Act an existing director of the Company shall so long as he shall continue a director of the Company be the possession in his own right of ordinary and preference stock in the capital of the Company or of either such class of stock of a total nominal amount of not less than two hundred and fifty pounds.

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

(4) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company seven days at least before the day of election. A.D. 1928.

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

(6) 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 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.

64.—(1) The Company shall annually appoint one Auditor. person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants



A.D. 1928. — and Auditors or an accountant or accountants approved by the Board of Trade to be the auditor or auditors of the Company.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice be given in writing to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company dies or resigns the directors may appoint an auditor in the place of the auditor so dying or resigning and any auditor so appointed shall hold office until the next shareholders' meeting.

Determina-  
tion of re-  
muneration  
of secretary.

**65.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Power to  
make super-  
annuation  
and other  
allowances.

**66.**—(1) The directors may grant such gratuities pensions or superannuation allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowance or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company.

Power to  
make dona-  
tions sub-  
scriptions  
&c.

**67.** The directors may subscribe or make donations to infirmaries hospitals and convalescent homes and other institutions and objects and to the benevolent and sick

funds of the employees of the Company and may for any A.D. 1928.  
of those purposes apply the revenues of the Company. —

MISCELLANEOUS:

68.—(1) The local authority for any borough or urban or rural district which is wholly or partly within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such authority 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 any such borough or district which is within the limits of supply. Guarantees by local authorities.

(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 authority they may incur expenditure and any such authority 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.

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

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

A.D. 1928.

—  
Authentica-  
tion and  
service of  
notice by  
Company.

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

Penalty  
for closing  
valves and  
apparatus.

**71.** 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 the valve fixed on his communication pipe.

Penalty for  
opening  
valves &c.

**72.** 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.

**73.** A judge of any court or a justice shall not be disqualified from acting in the execution of the existing Acts or this Act by reason of his being liable to any rate or charge for the supply of water. A.D. 1928.  
 —  
 Judges not disqualified.

**74.** Where the payment of more than one sum by any person is due under the existing Acts or this Act or any other Act relating to the Company any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof all the sums payable by him. Contents of summons &c.

**75.** Save as otherwise by the existing Acts or this Act expressly provided all offences against the existing Acts or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts or 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 penalties &c.

**76.** Proceedings for the recovery of any demand made under the authority of the existing Acts or this Act 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. Recovery of demands.

**77.** In addition to any other provisions of the existing Acts repealed by the foregoing provisions of this Act the following sections of the existing Acts are hereby repealed:— Repeal.

Act of 1862—

Sections 33 36 52 to 61 (inclusive) 67 69 71 72 73.

Act of 1877—

Sections 13 14 15 18 23 24 and 26.

Act of 1891—

Sections 5 10 11 13 18 19 20 21.

[Ch. xxxvi.] Falmouth Water [18 & 19 GEO. 5.]  
Act, 1928.

A D. 1928.

Costs of  
Act.

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

The SCHEDULE referred to in the foregoing Act.

CAPITAL OF THE COMPANY AUTHORISED  
BY PREVIOUS ACTS.

(A). STATEMENT OF CAPITAL (STOCK).

Name of Act.	Description of Capital.	Total Paid Up.	Remaining to be Issued.	Total Amount Authorised.
Act of 1862	10 per cent. Ordinary Stock.	£ 10,000	£ Nil	£ 10,000
Act of 1862	5 per cent. Preference Stock.	10,000	Nil	10,000
Act of 1877	5 per cent. Preference Stock.	15,000	Nil	15,000
Act of 1891	5 per cent. Preference Stock.	3,994(A)	Nil	3,994
Act of 1891	6 per cent. Ordinary Stock.	7,000	15,000(B)	36,000
	5 per cent. Preference Stock.	14,000		
		59,994	15,000	74,994

NOTES.—(A) Added on consolidation under Act of 1891 Section 7.  
(B) Of this amount £6,000. may be issued as Preference Stock.



(B) STATEMENT OF LOAN CAPITAL.

A.D. 1928.

Name of Act.	Description of Capital.	Total Amount Borrowed.	Remaining to be Borrowed.	Total Amount Authorised.
Act of 1862	4 per cent. Debenture Stock.	£ 5,000	£ Nil	£ 5,000
Act of 1877	4 per cent. Debenture Stock.	3,750	Nil	3,750
Act of 1891	4 per cent. Debenture Stock.	—	9,000	9,000
		8,750	9,000	17,750

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THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

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ANALYSIS OF THE SAMPLE