



CHAPTER lxx.

An Act to empower the Windermere District Gas and Water Company to acquire and construct waterworks to extend their limits for the supply of water to authorise them to raise additional capital to confer additional powers upon the Company and for other purposes. A.D. 1928.

[3rd August 1928.]

WHEREAS by the Windermere District Gas Act 1862 the Windermere District Gas Company were incorporated and authorised to make gasworks and supply gas within the limits therein described :

And whereas by the Windermere District Waterworks Act 1869 the name of the said Company was changed to the Windermere District Gas and Water Company (in this Act referred to as "the Company") and the Company were authorised to make waterworks and supply water within the same limits within which they were authorised to supply gas :

And whereas by the Windermere District Gas and Water Act 1889 and the Windermere District Gas and Water Act 1912 further powers were conferred upon the Company :

And whereas it is expedient that the supplies of water at present available to the Company should be increased and that the Company should be empowered to acquire certain waterworks and lands and rights in connection therewith (which are now held by the Company

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A.D. 1928. — on lease) and to make and maintain the new works in this Act mentioned and that the limits within which they are authorised to supply water should be extended as provided by this Act :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be empowered to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

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

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

And whereas plans and sections of the works by this Act authorised and plans of the lands by this Act authorised to be acquired and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerks of the peace for the counties of Lancaster and Westmorland and are in this Act referred to as the deposited plans sections and book of reference :

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

Short and collective titles.

1. This Act may be cited as the Windermere District Gas and Water Act 1928 and the Windermere District Gas Act 1862 the Windermere District Waterworks Act 1869 and the Windermere District Gas and Water Acts 1889 and 1912 and this Act may be cited together as the Windermere District Gas and Water Acts 1862 to 1928.

Incorporation of Acts.

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

(a) The Lands Clauses Acts Provided always that any question of disputed compensation under

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

- (b) The Waterworks Clauses Acts 1847 and 1863 (except the words "with the consent in writing" of the owner or reputed owner of any such "house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847);
- (c) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof. Provided that in construing the said provisions for the purposes of this Act the expression "the railway" shall mean the works by this Act authorised and "the centre of the railway" shall mean the centre lines of such works;
- (d) The Gasworks Clauses Act 1847 (except sections 30 to 38 inclusive) and the Gasworks Clauses Act 1871 (except sections 7 8 and 35) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read and have effect as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every "such contract entered into by the undertakers shall be alike in terms and amount "to all consumers of gas supplied in like "circumstances and for the same purposes" were added at the end of that section;
- (e) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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(2) The provisions of the sections of the Gasworks Clauses Acts 1847 and 1871 which are excepted from incorporation with this Act shall cease to apply to the Company or to be incorporated with any of the existing Acts of the Company and sections 12 and 28 to 34 of the Gasworks Clauses Act 1871 shall cease to apply to the Company as from the twenty-fifth day of March one thousand nine hundred and twenty-nine.

Interpreta-
tion.

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

“The Company” means the Windermere District Gas and Water Company;

“The Act of 1862” “the Act of 1869” “the Act of 1889” and “the Act of 1912” respectively mean the Windermere District Gas Act 1862 the Windermere District Waterworks Act 1869 the Windermere District Gas and Water Act 1889 and the Windermere District Gas and Water Act 1912;

“The gas limits” and “the water limits” respectively mean the limits within which the Company are from time to time authorised to supply gas and water respectively;

“The gas undertaking” and “the water undertaking” respectively mean the gas undertaking and the water undertaking of the Company as from time to time authorised;

“The undertaking” includes the gas undertaking and the water undertaking and when construing the provisions of the Gasworks Clauses Acts 1847 and 1871 and the Waterworks Clauses Acts 1847 and 1863 means the gas undertaking and the water undertaking respectively;

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

“The scheduled agreement” means the agreement set forth in the Second Schedule to this Act;

“The date of transfer” means the date of transfer as defined in the scheduled agreement; and A.D. 1928.

“The transferred works” means the waterworks lands and rights to be transferred to the Company in pursuance of the scheduled agreement.

WORKS AND LANDS.

4.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications if any as may be agreed between the said parties in writing. Confirmation of scheduled agreement.

(2) The sale and purchase provided for by the scheduled agreement shall be carried into effect by a deed duly stamped which may be in the form set out in the Third Schedule to this Act or to the like effect or in such other form as may be agreed between the parties to the said agreement.

5. From and after the date of transfer the Company may subject to the provisions of this Act maintain repair renew alter enlarge and extend the transferred works and shall in respect of those works and the maintenance use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated therewith and the said works shall form part of and may be used and employed for all or any of the purposes of the water undertaking. Power to Company to maintain transferred works.

6. Subject to the provisions of this Act the Company may as part of and for all or any of the purposes of the water undertaking make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say) :— Power to make water-works.

In the parish of Cartmel Fell in the rural district of Ulverston in the county of Lancaster—

Work No. 1 An extension and raising of the dam or embankment at the north end of Ghyll Head Reservoir commencing at Ghyll

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Head Road and terminating at a point about 60 yards south-west of the south-western end of the existing dam or embankment;

Work No. 2 A water channel being an enlargement of the existing water channel commencing at the north-east corner of the enclosure numbered 210 on the $\frac{1}{2500}$ Ordnance map of the said parish (sheet VIII—4 edition 1913) and terminating at the south end of Ghyll Head Reservoir;

Work No. 3 A water channel commencing at a point about 100 yards east of the south-east corner of Ghyll Head Reservoir and terminating at the south end of Great Candlestick Moss.

In the said parish and in the parish of Undermillbeck in the rural district of South Westmorland in the county of Westmorland—

Work No. 4 An aqueduct conduit or line of pipes being an enlargement and diversion of the existing line of pipes commencing at a point about 30 yards north-west of the old filter house of Ghyll Head Reservoir and terminating at the new filter house near Sawmill Cottages Storrs.

In the urban district of Windermere in the county of Westmorland—

Work No. 5 A tank or reservoir situate in the enclosure known as Postknott Plantation and numbered 102 on the $\frac{1}{2500}$ Ordnance map of the parish of Bowness-on-Windermere (sheet XXXII—11 edition 1912);

Work No. 6 An aqueduct conduit or line of pipes commencing in Kendal Road about 180 yards south of the south end of the Crown Hotel and terminating at the said Work No. 5;

Work No. 7 An aqueduct conduit or line of pipes commencing at the said Work No. 5 and terminating at the junction of Craig Walk and Biskey Howe Road;

Work No. 8 An aqueduct conduit or line of pipes commencing at the said Work No. 5 and terminating in Helm Road about 160 yards east of the south end of the Hydro-pathic Hotel :

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Provided that the Company shall not construct the said Work No. 1 until after the date of transfer.

7. The Company may upon any lands delineated on the deposited plans or upon any lands within the drainage area of the transferred works or of the new waterworks and for the time being belonging to them make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to any of the transferred works or any of the new waterworks but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to make subsidiary waterworks.

8. In the construction of the new waterworks the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may respectively also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of the aqueducts conduits or lines of pipes by this Act authorised shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to deviate.

9. If Work No. 1 authorised by this Act is not completed within fifteen years from the passing of this Act and if the other new waterworks are not completed within ten years from the passing of this Act then on the expiration of those periods respectively the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto respectively shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new

Period for completion of waterworks.

A.D. 1928. waterworks or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

For protec-
tion of
Francis
Clayton
Scott.

10. For the protection of Francis Clayton Scott or other the owner for the time being of the properties numbered on the deposited plans 18 19 and 20 in the urban district of Windermere (in this section referred to as "the owner") the following provision shall unless otherwise agreed between the Company and the owner apply and have effect (that is to say):—

Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not enter upon take or use any part of the said properties except so much as is situate between the western boundary thereof and a line drawn parallel to and at a distance of five yards east of such boundary.

Power to
take waters.

11. Subject to the provisions of this Act the Company may collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams and waters as may be intercepted by means of the transferred works or in the exercise of the rights transferred to and vested in them in pursuance of this Act or by means of the new waterworks Provided that nothing in this section shall extend the powers of the Company in relation to the transferred works until the date of transfer.

Limiting
powers to
abstract
water.

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

Application
of Water-
works
Clauses Act
1847 to
aqueducts
and tele-
phones.

13. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of the aqueducts conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company

may and which they are hereby authorised to lay down or erect for the purposes of the water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line Provided also that nothing in this section shall authorise the breaking up of any street or road belonging to or repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld.

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14. In addition to the lands hereinbefore referred to the Company may subject to the provisions of this Act enter upon take and use the following lands delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to
Company to
acquire
further
lands.

(a) Certain lands in the parish of Cartmel Fell in the rural district of Ulverston in the county of Lancaster being portions of the enclosure numbered 103 on the $\frac{1}{2500}$ Ordnance map of the said parish (sheets V—16 and VIII—4 edition 1913) adjoining the south end of the Ghyll Head Reservoir and the Company may divert the occupation road situate on the said lands between points respectively 40 yards and 200 yards from Ghyll Head Road;

(b) Certain lands in the urban district of Windermere in the county of Westmorland adjoining the offices of the Company and abutting upon Lake Road and Beresford Road.

15.—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks 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.

Company
may acquire
easements
only in cer-
tain cases.

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(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section, they 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) Nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Period for compulsory purchase of lands.

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

As to private rights of way over lands taken compulsorily.

17. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that all private rights of way over the occupation road by this Act authorised to be diverted shall attach to the said road as so diverted. Provided also that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Persons under disability may grant easements &c.

18. 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 or 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.

19. 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 the undertaking any lands not exceeding in the whole ten acres (of which not more than two acres shall be for the purposes of the gas undertaking) 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 for offices and showrooms and dwellings for persons in their employ or such buildings and works as may be incidental to or connected with the purposes of the undertaking nor shall any of such lands be used by the Company for the purpose of manufacturing gas or residual products of gas.

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Purchase of
lands by
agreement.

20.—(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 the water undertaking so long as they shall deem it necessary or expedient for those purposes.

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

(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 showrooms and dwellings for persons in their employment and such buildings and works as may be incidental to or connected with the water 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.

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(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 the water 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 appropriated by the Company flowing to upon or from such lands directly or derivatively into any of the works forming part of the water undertaking.

Retention
and disposal
of lands.

21. Notwithstanding anything in this or any other Act 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 and purpose and on such terms and conditions 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 by them under the Windermere District Gas and Water Acts 1862 to 1928 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 of other disposition and on any exchange may give or take any money for equality of exchange.

Purchase of
land to
secure and
protect
supply of
water to
Ghyll Head
Reservoir.

22. If the urban district council of Windermere do not purchase the undertaking in accordance with the provisions of the section of this Act of which the marginal note is "As to purchase of undertaking by Windermere Urban District Council" the Company shall as soon as possible purchase twenty-five acres or thereabouts of land at Moor How and purchase or otherwise acquire control of sufficient land at Candlestick Mosses in order satisfactorily to preserve and protect the water supply to Ghyll Head Reservoir.

PROVISIONS RELATING TO WATER UNDERTAKING.

Extension
of water
limits.

23. As from the date of transfer the limits within which the Company may supply water shall extend to and

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include in addition to their present limits of supply so much of the parish of Cartmel Fell in the rural district of Ulverston in the county of Lancaster as lies to the north of a line drawn from the river Winster along the Bryan Beck to the northern corner of the field or enclosure numbered 441 on the $\frac{1}{2500}$ Ordnance map of the said parish (sheet VIII—8 edition 1913) thence along the western boundary of the said field or enclosure thence along the northern and eastern boundaries of the field or enclosure numbered 442 on the said map and thence along the southern boundary of the said parish of Cartmel Fell to Blake Holme Nab on the lake of Windermere and from and after the date of transfer the provisions of the Windermere District Gas and Water Acts 1862 to 1928 shall so far as applicable to the water undertaking be in full force and have effect throughout the limits for the supply of water by the Company as extended by this Act.

24.—(1) As from the first quarter-day after the passing of this Act section 45 (Rates at which water is to be supplied for domestic purposes) and section 46 (Rates for waterclosets and baths) of the Act of 1869 shall be repealed except for the purpose of recovering rates then in arrear.

Rates for
supply of
water.

(2) From and after the said quarter-day 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 Acts from time to time relating to the Company 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 eleven per centum of the rateable value of the premises so supplied and so in proportion for any shorter period than a year. Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than threepence a week.

(3) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value

A.D. 1928. 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 tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

(5) In this section the expression "rateable value" shall mean the rateable value as ascertained in pursuance of section 22 of the Rating and Valuation Act 1925 Provided that until the first new valuation lists under the said Act of 1925 have come into force within the water limits the expression "rateable value" shall be deemed to mean the rateable value of the premises so supplied with water as ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the rate last made for the relief of the poor.

Revision of
rates and
charges.

25.—(1) At any time during the period of three months before and three months after the coming into force within the water limits of any and every new valuation list under the Rating and Valuation Act 1925 the Company or any local authority having jurisdiction within the water limits 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 water undertaking have substantially altered he may by order (subject to the provisions of subsection (3) 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 the said Act of 1925 shall be deemed to be a circumstance affecting the water undertaking of the Company within the meaning and for the purpose of this section. A.D. 1928.

(3) 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 water undertaking and providing for any contribution which the Company may carry to any contingency or reserve fund of the water undertaking formed under the provisions of this or any other Act them so enabling and paying all other costs charges and expenses (if any) properly chargeable to the revenue of the water undertaking) a reasonable return on the share capital of the water undertaking due regard being had to any capital which may be reasonably expected to be expended by the Company on the water undertaking during the five years immediately following the date of such order.

26. 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 if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. Rates payable by owners of small houses.

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

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

(b) any workhouse hospital asylum (whether public or private) sanatorium school club hotel public-house or inn; or

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(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 for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale from time to time in force for a domestic supply furnished to a dwelling-house of the same rateable value.

Charges for
supplies for
motor cars
refrigerating
apparatus
&c.

28.—(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 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 payable quarterly in advance and be in addition to the rates authorised by the section of this Act of which the marginal note is "Rates for supply of water" 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 measure 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 such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

(3) 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— A.D. 1928.

- (a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be five shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Company.

29. The Company may supply water for purposes other than those specified in the sections of this Act whereof the marginal notes are "Rates for supply of water" "Supply to houses partly used for trade &c." and "Charges for supplies for motor cars refrigerating apparatus &c." at such rates as may be agreed between the consumer and the Company and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for purposes other than domestic if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

30. The price to be charged by the Company for a supply of water by measure shall not exceed one shilling and ninepence per thousand gallons. Price for supply of water by measure.

31. The water supplied by the Company shall be constantly laid on under pressure but such water need not at any time be delivered at a greater height than can be reached by gravitation from the Alice Howe service tank of the Company. Pressure.

32. 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 the water 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.

33.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any waterwork of the Company Discharge of water into streams.

A.D. 1928. the Company may cause the water in any such work to be discharged into any available stream ditch or water-course :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter or matter injurious to fish or spawn or spawning beds.

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

Company not bound to supply several houses by one pipe.

34.—(1) The Company shall not be bound to supply more than one house 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 supplied by them with water.

(2) If the owner of any house erected after the passing of this Act supplied with water by the Company when so required 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.

Application of section 35 of Waterworks Clauses Act 1847.

35. 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" were substituted therein for the words "one-tenth part."

Power to lay pipes in private streets.

36.—(1) The Company may on the application of the owner or occupier of any premises within the water limits 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 in the Acts relating to the Company.

(2) The urban district council of Windermere shall for the purposes of this section be deemed to be (in addition to any other persons) persons having the control or management of any street to which this section applies and which is situate within the urban district of Windermere. A.D. 1928.
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(3) The powers of this section shall not be exercised with respect to any street belonging to a railway company except with the consent of such company which consent shall not be unreasonably withheld.

37.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 or under any other Act 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. Power to person liable to maintain pipes &c. to open ground.

(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 water limits 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.

38. 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 Power to Company to repair communication pipes.

A.D. 1928. — 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.

Company to connect communication pipes with mains.

39. 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.

Maintenance of common pipe.

40. 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 of the Company.

Detection of waste.

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

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

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42. Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of 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 upon 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.

Register of meter to be *primâ facie* evidence.

43. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registration by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works

Injuring meters &c.

A.D. 1928. matters and things shall be paid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to sell meters. 44. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Company of connecting or disconnecting meters. 45. 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 and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Extension of power to inspect premises. 46. 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.

Penalty for closing valves &c. 47. 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 sustained by them. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

A.D. 1928.

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48. 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.

Penalty for opening valves &c.

49. The Company may enter into and carry into effect agreements with any local authority company body or person for the supply of water beyond the water limits to any such authority company body or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company body or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the water limits. Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the water limits.

Supply in bulk.

50. The Company may enter into and carry into effect agreements made with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the water undertaking.

Purchase of water in bulk.

A.D. 1928.

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For protec-
tion of
owners of
Blackwell
Estate.

51. For the protection of Sir Edward Holt baronet or other the owner or owners or occupier or occupiers for the time being of the property known as Blackwell situate in the parish of Undermillbeck in the rural district of South Westmorland (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company have effect (a) during the term of the lease granted by the indenture dated the sixteenth day of October one thousand nine hundred and twenty-four referred to in the Second Schedule to this Act and (b) after the date of transfer (that is to say) :—

Notwithstanding anything contained in this Act or in any other Act of or relating to the Company the provisions contained in an indenture of conveyance dated the fifth day of June one thousand eight hundred and ninety-nine and made between Benjamin Townson of the one part and the said Sir Edward Holt of the other part relating to the supply of water to the premises thereby assured and all buildings erected or to be erected thereon and to the laying maintenance and keeping in good substantial repair and condition of a water pipe and service for that purpose and to the payment to be made by the owner for the use of the water so supplied shall have effect and be binding upon the Company and the owner respectively as fully as if the Company instead of the said Benjamin Townson had been the party to the said last-mentioned indenture of the one part.

For protec-
tion of
owners of
Ghyll Head
Estate.

52. For the protection of Percy Musgrave or other the owner or owners or occupier or occupiers for the time being of the property known as Ghyll Head situate in the parish of Cartmel in the county of Lancaster (all of whom are in this section referred to as and included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company have effect (a) during the term of the lease granted by the indenture dated the sixteenth day of October one thousand nine hundred and twenty-four

referred to in the Second Schedule to this Act and (b) after the date of transfer (that is to say) :—

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Notwithstanding anything contained in this Act or in any other Act of or relating to the Company the provisions contained in an indenture of conveyance dated the thirty-first day of October one thousand nine hundred and one and made between John Nott Pyke Nott and Frederick Ward of the first part James Jacob Darley and Charles Henry Cumberland of the second part George Henry Pattinson of the third part and Catherine Briggs of the fourth part relating to the supply of water to the premises therein described and to the payment to be made therefor shall have effect and be binding upon the Company and the owner respectively as fully as if the Company instead of the said George Henry Pattinson had been the party to the last-mentioned indenture of the third part and the said Percy Musgrave and his assigns instead of the said Catherine Briggs had been the party to such indenture of the fourth part.

PROVISIONS RELATING TO GAS UNDERTAKING.

53. Except as is by this Act otherwise provided the profits of the Company to be divided among the holders of the ordinary shares or stock in the capital of the gas undertaking shall not in any year exceed the following rates of dividend (which are in this Act referred to as "the standard rate of gas dividend") (that is to say):—

Standard
rate of gas
dividend.

On the ordinary shares or stock in the capital of the gas undertaking authorised to be raised by the Act of 1862 the rate of ten pounds in respect of every one hundred pounds actually paid up of such capital; and

On the ordinary shares or stock in the capital of the gas undertaking authorised to be raised by the Act of 1889 the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital.

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Gas divi-
dend de-
pendent on
price
charged for
gas.

54. The standard price to be charged by the Company for gas supplied by them shall be thirteen decimal two pence per therm. Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary capital of the gas undertaking as follows:—

In respect of any half-year during any part of which the highest price charged by the Company shall have been one-fifth of a penny or more above the standard price the dividend payable by the Company on the said ordinary capital shall in respect of each one-fifth of a penny or part thereof by which the standard price shall have been so increased be reduced below the standard rate of gas dividend by five shillings per annum on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds;

And in respect of any half-year during the whole of which the highest price charged by the Company shall have been one-fifth of a penny or more below the standard price the dividend payable by the Company on the said ordinary capital may in respect of each one-fifth of a penny by which the standard price shall have been reduced be increased above the standard rate of gas dividend by five shillings per annum on every one hundred pounds of such capital and so in proportion for any fraction of one hundred pounds:

Provided also that if at any time it is shown to the satisfaction of the Board of Trade that the costs and charges of and incidental to the production and supply of gas by the Company have substantially altered from circumstances beyond the control of or which could not reasonably have been avoided by the Company the Board may if they think fit on the application of the Company or of any local authority whose district is wholly or partly within the gas limits by order in writing signed by a secretary or assistant secretary of the said Board correspondingly revise the standard price authorised by this Act.

55. Subject as hereinafter provided the gas supplied by the Company shall when tested in accordance with the provisions of the Gas Regulation Act 1920 be of a calorific value of not less than five hundred British thermal units and such value unless and until altered in accordance with the provisions of the section of this Act of which the marginal note is "Variation of declared calorific value" and thereafter such altered value shall for the purposes of the Gas Regulation Act 1920 be deemed to be and is in this Act referred to as "the declared calorific value."

A.D. 1928.
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Quality of
gas.

56. The charges authorised by this Act to be made by the Company for gas supplied by them shall have effect in respect of the charge to each consumer for gas supplied as from the commencement of the quarter ending on the twenty-fourth day of June one thousand nine hundred and twenty-nine.

Date for
commence-
ment of new
basis of gas
charges.

57. If at any time the Company intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified and until again altered in accordance with the provisions of this section be the declared calorific value for the purposes of this Act and of the Gas Regulation Act 1920. Any notice given under this section shall be published by advertisement in the London Gazette and a copy thereof shall be sent to the Board of Trade and to each of the local authorities whose respective districts are within or partly within the gas limits and to every consumer.

Variation of
declared
calorific
value.

58. If and so often as the Company shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in the appliances of the consumers as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Consumers'
burners.

59.—(1) The minimum permissible pressure at which the gas may be supplied by the Company shall be such pressure in any main or in any pipe laid between

Pressure of
gas.

A.D. 1928. the main and the meter having an internal diameter of two inches and upwards as to balance a column of water not less than two inches in height.

(2) If the Company shall at any time declare a calorific value of less than three hundred and fifty British thermal units the minimum permissible pressure at which the gas may be supplied shall be as follows:—

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches; and

Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees appointed under section 4 of the Gas Regulation Act 1920.

Measure of
therms
supplied.

60. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by the consumer's meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Application
of Gas
Regulation
Act.

61. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Company and the gas undertaking as if the provisions of this Act with respect to price quality and pressure of the gas supplied by the Company were an order made under section 1 of that Act in relation to the Company in respect of the gas undertaking (namely):—

Subsection (7) of section 1 (Power to substitute new basis of charges);

Subsection (1) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

- Section 8 (Penalties for failure to comply with prescription of gas referees); A.D. 1928.
 Section 9 (Forfeiture for deficient calorific value &c.);
 Section 18 (Definitions); and
 Section 20 (Expenses of local authorities).

62.—(1) The Company may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply. Charge for gas supplied by means of prepayment meters.

(2) As from the commencement of the quarter ending on the twenty-fourth day of June one thousand nine hundred and twenty-nine the charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be two decimal four pence per therm if a cooking stove is included and twopence per therm if a cooking stove is not included.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the number of therms supplied (when the maximum rate of charge shall be one decimal two pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Company in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

63. The Company may—

- (a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith on any lands on which the Company are for the time being authorised to work up residual products manufacture Power to purchase residual products.

A.D. 1928.

other products of the same kind as the Company are manufacturing from their own residual products. Provided that the quantity of any residual products so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and

(b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

Power to lay pipes in private streets.

64.—(1) The Company may on the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Acts relating to the Company.

(2) The urban district council of Windermere shall for the purposes of this section be deemed to be (in addition to any other persons) persons having the control or management of any street to which this section applies and which is situate within the urban district of Windermere.

(3) The powers of this section shall not be exercised with respect to any street belonging to a railway company except with the consent of such company which consent shall not be unreasonably withheld.

Power to lay pipes for ancillary purposes.

65. The Company may within the gas limits and so far as regards the urban district of Windermere with the consent of the council of that district lay down and repair take up relay or renew pipes and culverts for the purpose of procuring conducting or disposing of any oil

or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid as incorporated with this Act and so far as they are applicable for the purposes of this section shall apply *mutatis mutandis* to and for the purposes thereof. A.D. 1928.

66. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed between the Company and the railway company be in force and have effect in regard to the exercise in relation to the railway company of the powers of the section of this Act of which the marginal note is "Power to lay pipes for ancillary purposes":— For protection of London Midland and Scottish Railway Company.

(1) In laying down or executing or in effecting the repairs and renewals of any pipes or culverts of the Company upon across over under or in any way affecting the railways streets bridges or approaches of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company and except in cases of emergency according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Company Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :

(2) The Company shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings

A.D. 1928.

or approaches of the railway company or interruption to the passage or conduct of traffic over such railways :

- (3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such pipes or culverts the Company shall make compensation in respect thereof to the railway company :
- (4) Any difference which may arise between the railway company and the Company under this section shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

Pipes &c.
between
mains and
meters.

67. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

- (1) The Company may specify the minimum size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's pipes and the meter so far as such pipes and fittings are intended to be covered over :
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper or once in each of two newspapers circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Company :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as

reasonably practicable to the Company's main but within the outside wall of the building and shall where reasonably necessary be protected from frost or injury by a covering to the reasonable satisfaction of the Company : A.D. 1928.

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed and protected as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Company refuses a supply of gas under the provisions of this section may appeal to a court of summary jurisdiction against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

68. The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Company by section 21 of the Gasworks Clauses Act 1871 shall extend to premises in which there is any service pipe connected with the gas mains of the Company except where the occupier of the premises shall have applied in writing to the Company for the disconnection of the service pipe from the mains of the Company. Power to enter premises to which a supply of gas is laid on.

A.D. 1928.

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Further powers to enter premises and to remove gas fittings.

69.—(1) The power to enter premises and remove pipes meters, and fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire all or any of the pipes meters fittings or apparatus belonging to the Company.

(2) Any person having control of the premises which the Company are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds.

(3) Where any premises which the Company are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Company may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Company and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave the same secure.

Anti-fluctuators to be used with gas engines.

70.—(1) The Company may by notice in writing require a consumer of gas supplied by the Company and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Company may cease to supply him with gas.

(3) The Company may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Company and for the purpose of ascertaining whether the anti-fluctuator is efficient and in

proper order and repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer. A.D. 1928.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

71.—(1) Every consumer of gas supplied by the Company who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Company (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air or other gas into the service pipe or any pipe through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise. Provision of valve where high-pressure air is used.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Company not less than fourteen days' previous notice in writing of his intention so to do.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Company or any obligation under this

A.D. 1928. — section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Company shall give notice of the effect of the foregoing provisions of this section—

(a) (in the case of all persons who at the passing of this Act are consumers of gas supplied by the Company) on or with the demand notes for gas charges payable to the Company issued next after that date; and

(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Company) on or with the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Company have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Company shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Company if the valve or other appliance be found efficient and in proper order but otherwise at the expense of the consumer.

Relief from
obligation
to supply.

72. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Company notwithstanding anything contained in any

other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

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(1) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

(2) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company. Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or

(ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature

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or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

- (a) The total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;
- (b) The capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply and how far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Supply of
gas where
consumer
has a sepa-
rate supply.

73. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Company such minimum annual sum as will give to them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

74. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same.

Refusal of supply to persons in debt for other premises.

75. At least twenty-four hours' notice shall be given to the Company by every consumer of gas either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual date for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Consumers to give notice before removing.

76.—(1) In any case in which the Company are by virtue of this Act or any Act partially incorporated therewith authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall re-connect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

As to mode of cutting off supplies.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company (subject to the conditions specified in section 22 of the Gasworks Clauses Act 1871) shall have and may exercise the like powers of entry as are exerciseable under that section.

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Power to re-
cover cost of
cutting off
supplies.

77. In any case in which the Company lawfully cut off a supply of gas by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off as the case may be the reasonable expenses incurred by them in such cutting off in like manner as charges for gas are recoverable by the Company.

Expenses of
re-connect-
ing discon-
tinued
supply.

78. In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume the supply so cut off he shall pay to the Company the reasonable expenses of re-connecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Charges for
special
reading of
meters.

79. When at the request of and for the convenience of any consumer the reading of any meter fixed in any premises takes place at a time other than that of the usual periodical reading the Company may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

Company
may con-
tract for
supply and
purchase of
gas in bulk.

80. The Company may contract with any local authority company body or person for the supply by the Company to them or for the supply to the Company by them of gas in bulk upon such terms and conditions as may be agreed upon and for those purposes may exercise the powers by this Act conferred upon them with respect to the breaking up of streets for the purpose of laying gas pipes :

Provided that the Company shall not supply gas under any such contract beyond the gas limits if and so long as such supply would interfere with the supply of gas within those limits :

Provided also that nothing in this section shall authorise the Company to lay any mains or pipes or to interfere with any street beyond the gas limits.

Power to
take licences
for use of
patents.

81. The Company may subject to the provisions of this Act but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting

any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

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FINANCIAL PROVISIONS.

82. The Company may from time to time raise additional capital for the water undertaking not exceeding in the whole twelve thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of twelve thousand pounds.

Power to
Company to
raise addi-
tional
capital.

83. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Incidents of
new capital.

84. Except as is by this Act otherwise provided the Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than seven pounds

Dividends
on addi-
tional
capital
limited.

A.D. 1928. in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividend on certain classes of capital to be paid proportionately.

85.—(1) In case in any year or half-year the funds of the Company applicable to dividend on the capital of the water undertaking shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary shares or stock in the capital of that undertaking a proportionate reduction shall be made in the rate of dividend then to be paid in respect of each such class in the capital of the said undertaking.

(2) In case in any year or half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the maximum rate on the existing six per centum preference shares in the capital of the gas undertaking and on any preference shares or stock which may be hereafter issued in the capital of that undertaking a proportionate reduction shall be made in the rate of dividend then to be paid in respect of the said six per centum preference shares and any such shares or stock hereafter issued in the capital of the said undertaking.

(3) In case in any year or half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the maximum rate on the existing six per centum preference shares in the capital of the water undertaking and on any preference shares or stock which may be hereafter issued in the capital of that undertaking a proportionate reduction shall be made in the rate of dividend then to be paid in respect of the said six per centum preference shares and any such shares or stock hereafter issued in the capital of the said undertaking.

Restrictions as to votes in respect of preference capital.

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

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

87.—(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:—

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- (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 gas limits or the water limits 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;
 - (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 gas or 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.
- (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve

A.D. 1928. — 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 gas or water supplied by the Company in such proportions as the Company may think fit or to one or more of those 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 for 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 for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(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.

Power to borrow.

88.—(1) Subject to the provisions of this Act the Company may borrow on mortgage of the gas undertaking in respect of the capital which is now authorised to be raised for the gas undertaking and in addition to the moneys which they are now authorised to borrow in respect of such capital any sum or sums not exceeding in the whole seven thousand five hundred pounds being the amount necessary to increase their borrowing powers in respect of such capital to one-half of the amount thereof.

(2) Subject to the provisions of this Act the Company may borrow on mortgage of the water undertaking in respect of the capital which is now authorised to be raised for the water undertaking and in addition to the moneys which they are now authorised to borrow in respect of such capital any sum or sums not exceeding in the whole six thousand eight hundred and fifty pounds being the amount necessary to increase their borrowing

powers in respect of such capital to one-half of the amount thereof. A.D. 1928.

(3) Subject to the provisions of this Act the Company may borrow on mortgage of the water undertaking any sum or sums not exceeding in the whole one-half part of the amount of the additional capital by this Act authorised to be raised which at the time of borrowing has been raised under the powers of this Act including the premiums (if any) realised on the sale thereof.

(4) No sum shall be borrowed under or in pursuance of this section 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 capital in respect of which such sum is borrowed together with the premiums (if any) realised on the sale thereof has been fully paid up and has not been repaid.

89. The Company shall not pay interest at a higher rate than six pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock without the consent of the Minister of Health in respect of moneys borrowed or raised for the purposes of the water undertaking or of the Board of Trade in respect of moneys borrowed or raised for the purposes of the gas undertaking. Restriction on rate of interest on borrowed moneys.

90. The Company may create and issue debenture stock subject to the provisions of section 14 (Debenture stock) of the Act of 1912. Debenture stock.

91. All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Windermere District Gas and Water Acts 1862 to 1928 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: Priority of mortgages over other debts.

Provided 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 or vested in the Company which is entitled

A.D. 1928. — to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of existing mortgages.

92. The principal moneys secured by all mortgages granted by the Company before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Act under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Appointment of receiver.

93. Section 13 (Appointment of receiver) of the Act of 1912 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.

Application of moneys.

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

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the net premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid-up or nominal capital.

Alteration of limit of dividend on unissued preference capital.

95. The provisions of section 11 (Profits of Company limited) of the Act of 1889 and section 8 (Profits of Company limited) of the Act of 1912 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 created under the powers of the said Acts may be capital with a dividend at such rate not exceeding seven per centum as the directors may determine at the time or times of the creation or issue thereof. A.D. 1928.

96.—(1) The Company may create and issue all or any of the preference shares or stock or debenture stock which they may hereafter create and issue under the powers of any of their Acts (all of which are in this section included in the expression "stock") 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 shares or stock 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 :

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 (a) during the necessary interval between the creation and issue of the new stock and the redemption of the old stock and (b) when the new stock is issued in substitution for stock which was itself lawfully issued.

(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

A.D. 1928. — the section of this Act of which the marginal note is
“New shares or stock to be sold by auction or tender.”

Provisions
as to sale
of shares or
stock in
water
capital and
payment of
commis-
sions.

97.—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “New shares or stock to be sold by auction or tender” the Company with the approval of the Minister of Health may—

- (a) when ordinary or preference shares or stock in the capital of the water undertaking 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 gas or water supplied by 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 said 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 has 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.

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

98. Section 19 (Application of gasworks account) of the Act of 1869 shall be read and have effect as if the following paragraph were substituted for the last two paragraphs of that section (namely):—

Application
of section 19
of Act of
1869.

“ Fourthly—In or towards payment of dividends at the authorised rates on the capital of the gas undertaking of the Company as from time to time existing ”

and the said section as so amended shall apply in relation to all the gasworks of the Company as from time to time existing and in respect of all moneys from time to time borrowed or raised by the Company for the purposes of the gas undertaking.

99. Section 21 (Application of waterworks account) of the Act of 1869 shall apply in relation to all the waterworks of the Company as from time to time existing and in respect of all moneys from time to time borrowed or raised by the Company for the purposes of the water undertaking.

Application
of section 21
of Act of
1869.

100.—(1) The directors of the Company may if they think fit in any year appropriate out of the revenue of the gas undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the gas undertaking including premiums to a fund to be called “ the special purposes fund.”

Special pur-
poses fund.

(2) The special purposes fund shall be applicable only to meet such charges of the gas undertaking as an accountant appointed for the purpose by the Board of Trade shall approve as being—

- (a) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

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(b) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance, and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the gas undertaking including premiums.

(4) One-half of the moneys now standing to the credit of the existing reserve fund of the gas undertaking shall be credited to the special purposes fund.

(5) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be placed on deposit at interest with the Company's bankers or may be applied to the general purposes of the gas undertaking to which capital is properly applicable or may be used partly in the one way and partly in the other.

(6) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section.

Gas-renewal
fund.

101.—(1) It shall not be lawful for the Company for the purposes of the gas undertaking to establish a contingency fund under section 122 of the Companies Clauses Consolidation Act 1845 but the directors may if they think fit in any year appropriate out of the revenue of the gas undertaking as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the capital of the gas undertaking for the time being expended by the Company to a fund to be called "the gas renewal fund."

(2) The gas renewal fund shall be applicable only to meet expenses in respect of the gas undertaking requisite for the maintenance and renewal of plant and works (other than expenses incurred in the replacement or removal of plant and works) and shall be so applied from time to time for the purpose of equalising so far as practicable the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the gas renewal fund shall not at any time exceed an amount equal to one-twentieth part of the capital of the gas undertaking for the time being expended by the Company. A.D. 1928.

(4) The moneys now standing to the credit of the repairs and renewals account of the gas undertaking shall be credited to the gas renewal fund.

102. Where in any year the dividend of the Company on the ordinary capital of the gas undertaking shall exceed the standard rate of gas dividend by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and one-half of the moneys now standing to the credit of the existing reserve fund of the gas undertaking may be invested in any investments in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the Company and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the gas reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rates on the ordinary capital of the gas undertaking and save as in this section provided no sum shall in any year be carried by the Company to any reserve fund in connection with the gas undertaking. Gas reserve fund.

103. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Act of 1889 or the Act of 1912: Application of existing capital.

Provided that moneys raised for the purposes of the water undertaking shall be applied only to the purposes of that undertaking and moneys raised for the purposes of the gas undertaking shall be applied only to the purposes of that undertaking.

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ADMINISTRATIVE PROVISIONS.

Auditors.

104. The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company. The auditors or in the case of a firm being so appointed as auditors the members of such firm shall be persons who are members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors and the auditors need not hold shares or stock of the Company but nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the Company continuing to act as such auditor. If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

Ordinary meetings.

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

As to appointment of proxies.

106. 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.

Joint holders.

107. 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 stands shall for the purposes of this section be deemed joint holders thereof. A.D. 1928.

108. 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 authorised rates of dividend on the ordinary capital (ascertained as regards the ordinary capital of the gas undertaking in accordance with the provisions of the section of this Act of which the marginal note is "Gas dividend dependent on price charged for gas") or one-half of the annual dividend assigned to the preference capital of the Company in respect of which such interim dividend is declared. Interim dividends.

109.—(1) The directors may close the register of transfers of any ordinary or preference shares or stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such ordinary or preference shares or stock and may close the register of transfers of debentures or debenture stock or mortgages of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such debentures or debenture stock or mortgages and the directors may in any such case 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 and circulating within the gas limits and the water limits. Closing of transfer books.

(2) Any transfer of any ordinary or preference shares or stock or of any debentures or debenture stock or mortgages lodged for registration with the Company while the transfer books relating to such ordinary or preference shares or stock or to such debentures or debenture stock or mortgages are so closed shall as

A.D. 1928. between the Company and the person claiming under any such transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

As to shareholders' register.

110. 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.

Notice of candidature of or of opposition to re-election of director.

111. No person not being a retiring director of the Company shall be eligible to be elected a director of the Company at any general meeting unless notice in writing is given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the date of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office. No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least three months prior to his election. In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

As to appointment of managing director.

112.—(1) The directors may appoint any one of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw or vary all or some of such powers.

A.D. 1928.

113. 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 or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors holding office under or contracting with Company.

114. 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 of the Company.

Directors may determine remuneration of secretary.

115.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or family or any dependant of an employee.

Power to grant pensions &c.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any employee

A.D. 1928. widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(3) The directors may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the Company for the purposes of this section.

MISCELLANEOUS PROVISIONS.

Fittings on hire to remain property of Company.

116. All engines 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.

Period of error in defective meter.

117.—(1) In the event of any meter—

(a) used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations; or

(b) 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.

(2) 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 gas charges and rates for water respectively are recoverable by the Company. A.D. 1928.

118. A notice to the Company from a consumer for the discontinuance of a supply of gas or 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.

119.—(1) Any urban or rural district council whose district is in whole or in part within the gas limits or the water limits may give and enter into a 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 pipes or works for the supply of water or for the supply of gas for public lighting purposes 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.

120. Any notice to be served by the Company on a person supplied with gas or 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 gas or 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 Authentication and service of notices by Company.

A.D. 1928. 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.

Judges not disqualified. **121.** A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to any rate.

Contents of summons &c. **122.** Where the payment of more than one sum by any person is due under any Act or Order from time to time relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Penalties not cumulative. **123.** Penalties imposed under any Act or Order from time to time relating to the Company for one and the same offence shall not be cumulative.

Recovery of penalties &c. **124.** Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or Orders 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. **125.** Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Company 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.

126. The following enactments are hereby A.D. 1928.
repealed :—

Repeal.

The Act of 1862—

- Section 27 (Quality of Company's gas);
- Section 28 (Company to erect a meter to test quality of gas);
- Section 30 (Cost of experiment to be paid according to events).

The Act of 1869—

- Section 39 (Payments to be made by the local boards of Bowness and Windermere to the Company);
- Section 40 (Accounts to be produced to local boards);
- Section 41 (Times at which such payments shall be made);
- Section 42 (Proportions in which local boards to contribute);
- Section 43 (Local boards may apply rates);
- Section 44 (Limitation of pressure);
- Section 49 (Supply of water by agreement);
- Section 52 (Incoming tenant not liable for arrears);
- Section 53 (Penalty on wrongful use of water);
- Section 58 (Liability to water or gas rate not to disqualify justices);
- Section 59 (Penalties not cumulative).

The Act of 1889—

- Section 14 (New shares or stock to be offered by auction or tender);
- Section 15 (Purchase money of capital sold by auction to be paid within three months);
- Section 16 (As to notice to be given as to sale &c. of shares or stock);
- Section 17 (Shares or stock not sold by auction or by tender to be offered to shareholders);

[Ch. lxx.] *Windermere District* [18 & 19 GEO. 5.]
Gas and Water Act, 1928.

- A.D. 1928. Section 23 (For appointment of a receiver);
Section 27 (Dividend on gas dependent on price charged);
Section 36 (Power to hold lands for protection of waterworks);
Section 38 (Reservation of rights on sales or leases).

The Act of 1912—

- Section 10 (New shares or stock to be sold by auction or tender);
Section 22 (Contents of warrant); and
Section 25 (Restriction on powers of manufacture):

Provided that the repeal of the said sections of the Act of 1862 and of the said section 27 of the Act of 1889 shall not take effect until the twenty-fifth day of March one thousand nine hundred and twenty-nine. Provided also that the Act of 1869 shall apply and have effect as if section 52 thereof had not been inserted therein.

As to purchase of undertaking by Windermere Urban District Council.

127.—(1) If the urban district council of Windermere (in this section referred to as "the council") shall introduce in the next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the Company and shall bonâ fide promote the same the Company shall not oppose such Bill except in so far as they may deem necessary in order to secure the insertion therein of provisions in accordance with this section to protect their interests with respect to the sale and purchase provided for by this section and to provide for the winding up of the Company.

(2) If the council obtain such an Act authorising such purchase they shall as from the quarter day next after the expiration of four months after the passing of such Act purchase and the Company shall sell and transfer to the council for the price or for the consideration of seventy-four thousand pounds the undertaking of the Company freed from any then existing debenture mortgage or other debts or similar liabilities of the Company but subject to any other obligations of the Company under the Acts of Parliament relating to the Company.

A.D. 1928.

(3) The said Bill shall provide that as from the said quarter day all obligations of the Company with reference to the supply of gas and water shall cease and determine.

(4) The council shall repay to the Company any capital expenditure in respect of the works of the Company incurred after the twenty-fourth day of April one thousand nine hundred and twenty-eight with the consent of the council.

(5) The council shall also pay compensation to any officer in the employment of the Company on the twenty-fourth day of April one thousand nine hundred and twenty-eight who shall not be retained by the council in the same or similar office or employment and at the remuneration in and at which he was employed by the Company at the said date in respect of any loss of office or diminution of salary by reason of the transfer of the undertaking of the Company to the council the amount of such compensation in default of agreement to be determined by arbitration.

(6) Stocks-in-trade and stores purchased in the ordinary course of business and held by the Company at the said quarter day shall be purchased by the council at a fair valuation.

(7) The said Bill shall provide that on any such purchase the Company shall be entitled to retain all sums standing to their credit at any bank or otherwise and all sums standing to the credit of any reserve or other fund and all cash in hand (except consumers' deposits) at the said quarter day and that the Company shall also be entitled to receive and recover all debts accrued due to the Company up to the said quarter day and shall pay and discharge all debts and liabilities incurred by them at any time (including the expense of the winding up of the Company) except capital expenditure made with the consent of the council under subsection (4) of this section and that as from the said quarter day the council shall be entitled to all rates rents and sums of money accruing due and shall discharge all outgoings and liabilities incurred as from the said quarter day in respect of the undertaking.

(8) The Company shall not except for the purpose of the scheduled agreement raise prior to the twentieth day of November one thousand nine hundred and twenty-eight

A.D. 1928. any additional capital without the consent of the council and if the council shall give notice of such Bill as aforesaid in October or November one thousand nine hundred and twenty-eight the Company shall not except with such consent as aforesaid raise any such capital during the promotion of such Bill but nothing contained in this section shall prevent the Company carrying on and maintaining their undertaking in the ordinary course of their business or raising any moneys necessary to pay any costs charges and expenses of and incident to the preparing for and obtaining and passing of this Act and any costs charges and expenses of the Company of and incidental to the transfer of the undertaking of the Company to the council.

(9) The Company shall not dispose of any part of the undertaking of the Company before the said twentieth day of November or during the promotion of the said Bill.

(10) In the construction of this section the expression "the undertaking of the Company" shall include all the lands easements streams springs waters buildings waterworks gasworks machinery mains pipes plant apparatus and furniture contracts plans engineering reports and other documents and other property of the Company other than stock-in-trade and stores and all rights powers privileges and interests vested in and belonging to or had or enjoyed by the Company at the said quarter day save and except as provided by subsection (7) of this section and also save and except the directors' minute books and other books and papers relating exclusively to the shareholders in and the members and constitution of the Company all of which shall be retained by the Company.

(11) If the Company shall have completed the purchase of the waterworks lands and appurtenances thereto described in the schedule to the scheduled agreement before the said quarter day the council shall purchase from the Company such waterworks lands and appurtenances at the price paid by the Company for the same under the scheduled agreement.

(12) In the event of the council purchasing the undertaking of the Company before the Company have completed the purchase of the waterworks lands and

appurtenances thereto described in the scheduled agreement the council shall be entitled to complete such purchase in lieu of the Company in accordance with the terms of the scheduled agreement as though the council had been named in the scheduled agreement in lieu of the Company.

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128. 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 out of capital. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS.

Act.	Nature of Capital.	Amount Authorised.		Amount Raised.		Premiums Received.		Remaining to be issued.		
		Gas.	Water.	Gas.	Water.	Gas.	Water.	Gas.	Water.	
1862	Ordinary £10 shares 10 %	£ 10,000	£	£ 10,000	£	£ s. d. 73 10 0	£ s. d.	£	£ s. d.	
1869	New do. £10 shares 10 %	2,500*	15,000	2,500*	8,630	87 0 0	90 0 0			
1889	Ordinary £10 shares 10 %		3,600*		6,370					
	New do. £10 shares 10 %			4,450	3,600*		13 0 0			
	New do. £2 shares 10 %			1,000	4,000	25 0 0	37 10 0			
1912	Preference £10 shares 6 %		15,000		1,500			12,025	9,449 10 0	
	Do. £10 shares 4 %		7,500						7,500 0 0	
	Ordinary 7 % or preference 6 %		17,500							
	Ordinary 7 % or preference 6 %							£12,025	£16,949 10 0	
		£30,000	£41,100	£17,950	£24,100	£185 10 0	£140 10 0			
1862	Loan Capital -	2,500*								
1869			3,600*							
1889				1,900	5 % Mortgages.	3,000			5,600	
1912			7,500	13,700		5 % Mortgages.				10,700 0 0
		£7,500	£13,700	£1,900	£3,000			£5,600	£10,700 0 0	

* Raised as share capital in lieu of borrowing.

SECOND SCHEDULE.

A.D. 1928.

AN AGREEMENT made the 14th day of December 1927 between GEORGE HENRY PATTINSON of "Gossel Ridding" Windermere in the county of Westmorland gentleman (hereinafter called "the Owner") of the one part and THE WINDERMERE DISTRICT GAS AND WATER COMPANY whose registered office is situate at Windermere (hereinafter called "the Company") of the other part.

Stamp.

Ten
shillings.

Whereas by virtue of the two several indentures of lease dated respectively the 16th day of October 1924 and the 15th day of December 1926 both being made between the Owner of the one part and the Company of the other part and of the option to purchase therein contained the Owner has agreed to sell to the Company for the consideration hereinafter mentioned the waterworks lands and appurtenances thereto in the schedule hereto described.

Now it is hereby agreed as follows :—

1. The Company shall in the next available session of Parliament promote a Bill and use their best endeavours to obtain an Act to enable them to carry out the provisions of this agreement.

2. The Owner shall sell and the Company shall purchase for the consideration of £21,000 the waterworks lands and appurtenances thereto in the schedule hereto described together with the pipes appliances easements rights and privileges of the Owner now used or enjoyed in connection with the said waterworks and lands.

The said consideration shall at the option of the Owner be satisfied in any one of the following ways or partly in one of such ways and partly in another or others of them that is to say :—

(a) In cash; or

(b) By the transfer to the Owner of such an amount of British Government securities (irredeemable within a period of fifty years from the date of the purchase hereinafter referred to) as will yield subject to income tax the clear yearly sum of £1,050; or

(c) By the issue to the Owner of £21,000 irredeemable 5% first mortgage debentures or debenture stock of the Company charged on the whole of the Company's water undertaking if and so far as the powers of the Company may permit of such an issue.

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—

3. The Company shall as soon as may be practicable after the passing of the Act proceed to raise the necessary capital to carry out this agreement and to construct the new works proposed to be authorised by the said Bill and the completion of the said purchase shall take place at the next quarter day after the capital necessary therefor has been raised.

4. If any question shall arise with reference to this agreement or as to the rights and liabilities of either party hereto the same shall be referred to an arbitrator to be agreed upon between the parties hereto or failing agreement to be nominated on the application of either of such parties by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference.

5. This agreement is conditional upon an Act of Parliament authorising the carrying out of its terms receiving the Royal Assent in the session one thousand nine hundred and twenty-eight or within such extended time as may be agreed upon between the parties hereto and is subject to such alterations as Parliament may think fit to make therein but if any material alteration be so made it shall be competent to any party hereto on giving notice to the other to withdraw from this agreement and thereupon this agreement shall be null and void.

In witness whereof the said George Henry Pattinson has hereunto set his hand and the Company has hereunto caused its common seal to be affixed the day and year first before written.

SCHEDULE.

(a) All those closes or enclosures of land situate lying and being in Cartmel Fell in the parish of Cartmel in the county of Lancaster as the same are more particularly delineated on the plan attached to the said indenture of lease of the 16th day of October 1924 and are thereon edged red and contain by admeasurement fifty acres two roods and seventeen perches or thereabouts Together with the Ghyll Head Reservoir situate thereon.

(b) All those pieces or parcels of land (formerly part of the Oaks Estate) situate in the parish of Undermillbeck in the county of Westmorland containing in the whole four acres three roods and sixteen perches or thereabouts and more particularly delineated on the said plan and thereon edged green Together with the Lindeth Reservoir situate thereon.

(c) All that piece or parcel of land situate on the Storrs Estate Windermere and lying to the south-east of Saw Mill Cottages on the said estate and more particularly delineated on the said plan and thereon coloured yellow.

(d) All that piece or parcel of land situate on the north-westerly side of the main road from Bowness-on-Windermere

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to Kendal containing by admeasurement two roods and twenty-four perches or thereabouts and more particularly delineated on the said plan and thereon coloured purple Together with all pipes appliances works streams springs waters rights powers privileges interests and easements now used or enjoyed or exerciseable by the Company in connection with the above described lands and waterworks (a) (b) (c) and (d) and in the said indenture of lease of the 16th day of October 1924 more particularly referred to.

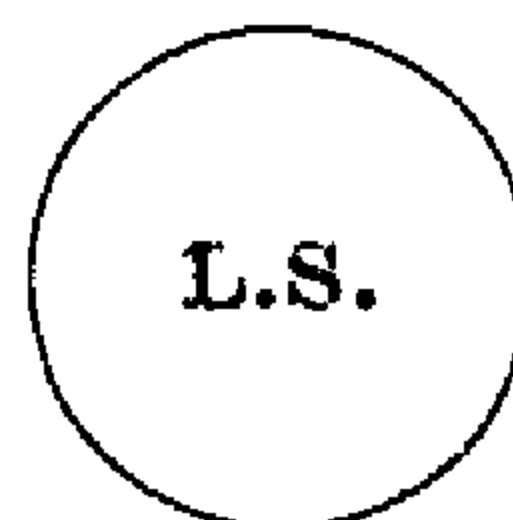
(e) The six-inch water pipe and valves belonging thereto situate on the said Storrs Estate and more particularly delineated on the plan attached to the said indenture of lease of the 15th day of December 1926 and thereon shown by a purple line Together with a right in perpetuity to continue the said water pipe along the dotted purple line shewn on the said plan and to connect the same to the existing four-inch water main at a point marked " X " on the said plan And also to lay down a four-inch pipe in under and along the grass verge of the carriageway on the said Storrs Estate from the point marked " A " to the point marked " B " on the said plan and along the line marked by a dotted green line on the said plan and to connect such pipe at the said point " A " with the said six-inch water pipe And also to insert such valves fire hydrants flush out pipes manholes and surface boxes as may be necessary in the said pipes and to renew inspect and repair the said pipes and other apparatus and to renew or enlarge the said pipes or apparatus with power for that purpose to pass and repass along the line of the said pipes and to make such excavations as may be necessary for carrying out such works And also to convey water through the said pipes and apparatus from the sources of water supply of the Company and to convey gas through the said four-inch pipe or any pipes or apparatus laid down as replacements or enlargements along the said line dotted green to the Company's points of supply from time to time on the said Storrs Estate.

Signed sealed and delivered by the said }
George Henry Pattinson in the } GEO. H. PATTINSON.
presence of }

G. N. PATTINSON
Solicitor
Windermere.

The common seal of the Company was }
hereunto affixed in the presence of }

W. G. BURRILL
ROGER BOWNASS
Directors.
JOHN LUPTON
Secretary.



A.D. 1928.

THIRD SCHEDULE.

FORM OF DEED OF TRANSFER OF WATERWORKS LANDS
AND RIGHTS.

This deed is made the day of 192 between
GEORGE HENRY PATTINSON of "Gossel Ridding" Windermere
in the county of Westmorland gentleman (hereinafter called "the
Vendor") of the one part and THE WINDERMERE DISTRICT GAS
AND WATER COMPANY whose registered office is situate at
Windermere aforesaid (hereinafter called "the Company")
of the other part.

Now this deed witnesseth that pursuant and subject to the
provisions of the Windermere District Gas and Water Act 1928
and in consideration of [the sum of £21,000 paid by the Company
to the Vendor] [the transfer by the Company to the Vendor of
British Government securities to yield subject to income tax
a clear yearly sum of £1,050] [the issue to the Vendor of £21,000
irredeemable 5% first mortgage debentures or debenture stock
of the Company charged on the whole of the Company's water
undertaking] (the receipt whereof the Vendor hereby acknow-
ledges) the Vendor as beneficial owner hereby grants to the
Company all his rights and interests in the waterworks lands
and appurtenances thereto described in the schedule hereto
To hold the same unto the Company their successors and assigns
subject to the like reservations restrictions stipulations covenants
and conditions upon which the Vendor purchased and now holds
the said lands and appurtenances thereto.

In witness whereof the Vendor has hereunto set his hand and
seal and the Company has caused its common seal to be hereunto
affixed the day and year first before written.

SCHEDULE.

The waterworks lands and appurtenances described in the
schedule to the scheduled agreement set forth in the Second
Schedule to the Windermere District Gas and Water Act 1928.

Signed sealed and delivered by the said George }
Henry Pattinson in the presence of }

The common seal of the company was hereunto }
affixed in the presence of }

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