



CHAPTER lxxxii.

An Act to extend the limits of supply of the Maidenhead Waterworks Company to authorise and confirm the construction of certain new and existing works to increase the capital and borrowing powers of the Company and for other purposes. A.D. 1928.
—

[3rd August 1928.]

WHEREAS the Maidenhead Waterworks Company (hereinafter referred to as "the Company") were incorporated by the Maidenhead Waterworks Act 1875 and are by that Act and subsequent Orders authorised to supply water within the limits mentioned in the said Act and Orders :

And whereas by arrangement with the Great Marlow Water Company Limited (hereinafter referred to as "the Marlow Company") the Company are supplying water outside the said limits in part of the parish of Bisham in the county of Berks which parish is within the limits of supply of the Marlow Company but the Marlow Company are not supplying water therein :

And whereas it is expedient that the limits within which the Company may supply water should be extended so as to include the said portion of the parish of Bisham and that that portion should be excluded from the area of supply of the Marlow Company :

And whereas the demand for water within the existing limits of supply of the Company has increased and is increasing and it is expedient for enabling the

A.D. 1928. — Company to meet such demand and to supply water in the limits of supply as extended by this Act that the Company should be empowered to make and maintain the works described in this Act :

And whereas it is expedient that the construction by the Company of certain existing works should be sanctioned and confirmed :

And whereas by the existing Act and Orders of the Company and by a consent of the Board of Trade under the Public Utility Companies (Capital Issues) Act 1920 the Company are empowered to raise capital to the amount of forty-five thousand pounds and to borrow on mortgage or raise by the creation and issue of debenture stock sums not exceeding in the whole twenty-two thousand five hundred pounds :

And whereas the Company have raised the whole of their said authorised capital by the creation and issue of ordinary shares and have raised by the creation and issue of debenture stock upwards of twenty-one thousand eight hundred pounds and have expended on capital account upon their undertaking sums exceeding in the aggregate by upwards of six thousand pounds the total amount so raised by them :

And whereas it is expedient that the Company should be authorised to raise additional capital and to raise further moneys by borrowing on mortgage or by the creation and issue of debenture stock :

And whereas it is expedient that such further powers should be conferred upon the Company and such other provisions should be made as are contained in this Act :

And whereas plans and sections of the works authorised by this Act showing the lines or situations and levels thereof and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land in or through which such works may be made were duly deposited with the clerk of the peace for the county of Berks and those plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most

[18 & 19 GEO. 5.] *Maidenhead Water* [Ch. lxxxi.]
Act, 1928.

Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1928.
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PART I.

PRELIMINARY.

1. This Act may be cited as the Maidenhead Water Act 1928 and the Maidenhead Waterworks Act 1875 the Maidenhead Water Order 1893 the Maidenhead Water Order 1900 the Maidenhead Water Order 1905 the Consent dated the twenty-fourth day of March one thousand nine hundred and twenty-one given by the Board of Trade to the Company under the Public Utility Companies (Capital Issues) Act 1920 and this Act may be cited together as the Maidenhead Water Acts and Orders 1875 to 1928. Short and collective titles.

2. This Act is divided into Parts as follows :— Act divided into Parts.

Part I.—Preliminary.

Part II.—Extension of limits.

Part III.—Construction and confirmation of works &c.

Part IV.—Additional capital and borrowing powers.

Part V.—Miscellaneous provisions.

3. The following Acts and Parts of Acts (namely) :— Incorporation of Acts.

(a) The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

(b) The Waterworks Clauses Acts 1847 and 1863;

(c) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say) :—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

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The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

(d) Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) (except the words “ and to the same amount as ” in section 22) of the Companies Clauses Act 1863 ; and

(e) The Companies Clauses Act 1869 ;

as amended by subsequent Acts are except where the same are inconsistent with or expressly varied by the Maidenhead Water Acts and Orders 1875 to 1928 hereby incorporated with and form part of this Act.

Interpreta-
tion.

4.—(1) In this Act unless the context otherwise requires—

“ The Company ” means the Maidenhead Water-works Company ;

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

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

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

“ The Act of 1875 ” means the Maidenhead Water Act 1875 ;

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“ The Order of 1893 ” means the Maidenhead Water Order 1893; A.D. 1928;

“ The Order of 1900 ” means the Maidenhead Water Order 1900;

“ The Order of 1905 ” means the Maidenhead Water Order 1905;

“ The existing Act and Orders ” means the Act of 1875 the Order of 1893 the Order of 1900 the Order of 1905 and the Consent dated the twenty-fourth day of March one thousand nine hundred and twenty-one given by the Board of Trade to the Company under the Public Utility Companies (Capital Issues) Act 1920;

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

“ The Marlow Company ” means the Great Marlow Water Company Limited;

“ The new waterworks ” means the works of which the construction is authorised by this Act;

“ The confirmed waterworks ” means the works referred to in the section of this Act of which the marginal note is “ Confirming construction of existing waterworks and acquisition of lands ”;

“ The existing capital ” means the capital of the Company authorised by the existing Act and Orders;

“ The additional capital ” means the additional capital authorised by this Act.

(2) The several words terms and expressions to which by any Act wholly or partly incorporated with this Act meanings are assigned have in this Act the same respective meanings.

PART II.

EXTENSION OF LIMITS.

5. The limits within which the Company may supply water shall extend to and include in addition to their present limits of supply the area described in the schedule to this Act and from and after the passing of this Act the provisions of the Maidenhead Water Acts Extension of limits of supply.

A.D. 1928. — and Orders 1875 to 1928 shall so far as applicable be in full force and have effect throughout the limits for the supply of water by the Company as extended by this Act.

Exclusion of added area from limits of supply of Marlow Company. 6. As from the passing of this Act the added area shall cease for all purposes to form part of the area of supply of the Marlow Company and the Acts and Orders of or relating to the Marlow Company shall cease to have effect within or in relation to the added area.

Agreements with reference to added area. 7. The Company and the Marlow Company may enter into and carry into effect agreements with respect to the addition of the added area to the limits of supply of the Company and the exclusion of that area from the limits of supply of the Marlow Company and any matters incidental thereto or arising thereout.

For protection of Marlow Company. 8. Within one month after the passing of this Act the Company shall pay to the Marlow Company the sum of five hundred pounds as compensation for loss of prospective revenue owing to the exclusion of the added area from the limits of supply of the Marlow Company and for the transfer of that area to the Company.

PART III.

CONSTRUCTION AND CONFIRMATION OF WORKS &c.

Power to make works. 9. Subject to the provisions of this Act the Company may in the county of Berks and in the lines and situations delineated on the deposited plans and upon the lands shown on those plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

- (a) A pumping station and well adjacent to the existing Cookham pumping station of the Company in the parish of Cookham in the rural district of Cookham;
- (b) A service reservoir (No. 1) to be called the Ashley Hill reservoir in the parish of Hurley in the said rural district of Cookham;
- (c) A line or lines of pipes (No. 1) in the said parish of Hurley commencing at or in the said service reservoir (Work No. 1) and terminating by a

- junction with the existing pipes of the Company in the road leading from Maidenhead to Reading; A.D. 1928.
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- (d) A service reservoir (No. 2) to be called the Hawthorn Hill reservoir No. 2 in the parish of Warfield in the rural district of Easthampstead adjoining the existing Hawthorn Hill reservoir of the Company;
- (e) A line or lines of pipes (No. 2) in the said parish of Warfield commencing at or in the said service reservoir (No. 2) and terminating by a junction with the existing pipes of the Company in the road leading from Warfield Dale to Hawthorn Hill.

10. In constructing the new waterworks the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation marked on those plans and may also deviate vertically from the levels shown on the deposited sections to such extent as they may think fit. Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition thereto and that no part of the works by this Act authorised and therein described as lines of pipes shall be constructed above the surface of the ground except so far as is shown on the deposited sections. Power to deviate.

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

12.—(1) For the purpose of constructing maintaining repairing cleansing or examining any of the new waterworks or for the purpose of disposing of any water flowing into any excavation made by the Company Temporary discharge of water into streams.

A.D. 1928. — during the construction and for the purposes of any of those works the Company may cause the water in any such work to be temporarily discharged into any available river stream ditch or watercourse.

(2) In the exercise of the powers 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 powers the amount of compensation to be settled in case of difference by an arbitrator to be agreed upon between the Company and the party claiming compensation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the Great Western Railway Company.

Power to
acquire
lands and
easements.

13. The Company may by agreement purchase take on lease or acquire and may use any lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for the purposes of the undertaking Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time purchase more than fifty acres for the purposes of the next following section and ten acres for other purposes of the undertaking in addition to any lands already belonging to them or which they are already authorised to acquire.

Power to
hold lands
for protec-
tion of
waterworks.

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

15. 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 taking water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Persons under disability may grant easements &c.

16. The construction by the Company of the works next hereinafter described is hereby sanctioned and confirmed and the Company may maintain and use and from time to time alter improve enlarge extend renew reconstruct or discontinue all or any of the same and may retain hold and use for the purposes of and as part of the undertaking all or any of the lands referred to in this section which have been acquired or appropriated and used by the Company for the purposes of or in connection with the said works and the acquisition or appropriation of such lands by the Company is hereby sanctioned and confirmed.

Confirming construction of existing waterworks and acquisition of lands.

The works and lands hereinbefore referred to are situate in the county of Berks and are—

- (a) The existing pumping station and wells of the Company known as the Cookham pumping station in the said parish of Cookham situate in the enclosure numbered 465a on the $\frac{1}{2500}$ scale Ordnance map (edition of 1925) Berkshire sheet XXIV 6;
- (b) The existing service reservoir known as the Maidenhead reservoir and boosting station of the Company situate on lands in the borough of Maidenhead abutting on the Bath Road at Boyne Hill;
- (c) The existing service reservoir of the Company known as the Cookham Dean reservoir in the said parish of Cookham situate in the enclosure numbered 294 on the said Ordnance map sheet XXIV 5;

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(d) The existing service reservoir of the Company known as the Hawthorn Hill reservoir (and to be known as the Hawthorn Hill reservoir No. 1) in the said parish of Warfield situate in the enclosure numbered 141 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1912) Berkshire sheet XXXIX 2;

(e) The existing line or lines of pipes in the said parish of Warfield commencing at or in the said Hawthorn Hill reservoir No. 1 and terminating by a junction with the existing pipes of the Company at a point in the road leading from Warfield Dale to Hawthorn Hill on the boundary between the said parish of Warfield and the parish of Bray;

together with all buildings machinery adits works and apparatus of whatever description constructed provided and used by the Company for or in connection with the said works or any of them.

Subsidiary
works.

17. The Company may upon the land delineated on the deposited plans and upon the lands referred to in the section of this Act of which the marginal note is "Confirming construction of existing waterworks and acquisition of lands" make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new waterworks and the confirmed waterworks or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Works to
form part of
undertaking.

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

Power to
take waters.

19. The Company may subject to the provisions of this Act pump collect impound take use divert and appropriate or continue to pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be or are intercepted by the new waterworks and the confirmed waterworks or any of them or any works in connection

with or subsidiary to the new waterworks or the confirmed waterworks which may be constructed under the powers of the section of this Act of which the marginal note is "Subsidiary works." A.D. 1928.
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20. The Company may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands. As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

21. 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 or in some Order confirmed by or having the force of an Act of Parliament. Limiting powers of Company to abstract water.

PART IV.

ADDITIONAL CAPITAL AND BORROWING POWERS.

22. The Company may from time to time raise additional capital not exceeding in the whole thirty 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 under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium or allowing for any discount which may be obtained or allowed on the sale thereof the sum of thirty thousand pounds. Additional capital.

23. The additional capital shall form part of the capital of the Company. Additional capital to form part of capital of Company.

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Dividends
on new
shares or
stock.

24. Every person who becomes entitled to shares or stock in the additional capital shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such shares or stock.

Shares in
additional
capital to be
subject to
same inci-
dents as
other shares
or stock,

25. The additional capital and the shares or stock therein and the holders thereof respectively shall (except as may be otherwise expressly provided by the resolution creating the same) 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 existing capital of the same class or description and the new shares or stock were shares or stock in that capital.

Limits of
dividend on
additional
capital.

26. The Company shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on so much of such capital as shall be issued as ordinary capital which shall have fallen short of the said rate of seven per centum per annum.

Dividends
on different
classes of
shares or
stock to be
paid rate-
ably.

27. In case in any year or in any half-year (if the Company declare a dividend half-yearly) the net revenues of the Company applicable to dividend (including any amount which the Company may determine to take from the reserve fund) are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividends payable on each class.

Restrictions
as to votes
in respect of
preference
shares or
stock.

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

29.—(1) All shares or stock created under the powers of this Act shall except as by this Act otherwise expressly provided be issued in accordance with the provisions of this section.

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

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

- (a) Notice of the intended sale shall be given in writing to the town clerk of every borough and the clerk to the council of every urban and rural district wholly or partly included within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or the last day for the receipt of tenders as the case may be ;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company ;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid

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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 price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of those classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amount 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 Minister of Health stating the total amount of the respective shares or stock sold the total amount obtained as premiums (if any) and the highest and lowest prices obtained for the respective shares or stock.

(6) The provisions of this section shall not apply to the issue or re-issue of preference shares or stock under subsection (3) or subsection (4) of the section of this Act of which the marginal note is "Redeemable preference shares or stock or debenture stock."

Power to
offer shares
or stock for
subscription.

30. It shall be lawful for the Company with the consent of the Minister of Health and subject to such conditions as that Minister may think fit to impose to offer for subscription by the public any shares or stock which they are by this Act or may hereafter be authorised to issue and upon any such offer to pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether

absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any such shares or stock : A.D. 1928.
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Provided that—

- (a) 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 inviting subscriptions for such shares or stock ;
- (b) any shares or stock so offered as aforesaid shall be issued at as near as may be (and in no case more than five per centum below) the average price at which any shares or stock of the Company of the same class or description were sold during the year immediately preceding the offer ; and
- (c) nothing in this section shall affect any power of the Company to pay brokerage.

31. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Act by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Application of premium arising on issue of shares or stock.

32. Where any preference or ordinary share of the Company has been or shall be issued (whether under the powers of the existing Act and Orders or of this Act or of any subsequent Act or Order) at a price (in this section referred to as “the price of issue”) greater or less than the nominal amount of such share the amount actually paid up on such share or the amount called up and paid on such share shall for the purpose of determining the amount of any dividend payable on such share be deemed to be— As to shares issued at a premium or discount.

- (a) when the whole of the price of issue has been paid the nominal amount of such share ; and
- b) when the whole of the price of issue has not been paid an amount bearing to the nominal amount

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of such share the same proportion as the amount or the aggregate of the amounts for the time being actually paid thereon bears to the price of issue.

Power to borrow.

33. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-half of the amount of any moneys (including premiums) for the time being raised by the issue of shares or stock under the powers of this Act Provided that no such sum shall be borrowed until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been paid up.

Debenture stock.

34. The Company may create and issue debenture stock subject to the provisions of article 19 (Debenture stock) of the Order of 1905 and to the amendment of the Companies Clauses Act 1863 as incorporated with this Act Notice of the effect of the said article and of this section shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

35. All mortgages granted by the Company under the authority of the existing Act and Orders before the passing of this Act and subsisting at the date of such passing shall during the continuance of such mortgages and subject to the provisions of the existing Act and Orders have priority over all mortgages granted under the authority of this Act but nothing in this section contained shall affect any priority of interest of any debenture stock at any time created and issued by the Company.

Limit of interest on moneys borrowed.

36. The Company shall not without the consent of the Minister of Health pay interest at a higher rate than six per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Act.

37.—(1) Article 22 (Appointment of a receiver) of the Order of 1905 is hereby repealed but without prejudice to any appointment made before or proceedings pending at the passing of this Act. A.D. 1928.
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Appoint-
ment of a
receiver.

(2) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Company on mortgage.

38.—(1) The directors of the Company may from time to time by virtue of this Act and without further or other sanction or authority issue so as to be redeemable at such times and in such manner and on and subject to such terms and conditions and to bear dividends or interest at such rate or rates as the directors at the time of the issue thereof determine any preference shares or stock or debenture stock (all of which are in this section referred to as and included in the expression "stock") created or hereafter to be created by the Company under the powers conferred by this Act or by the existing Act and Orders. Redeemable
preference
shares or
stock or
debenture
stock.

(2) There shall be stated on each certificate of any such stock the time or times at which and the manner in which and the terms and conditions on and subject to which such stock is to be redeemed.

(3) If it is so provided in the said terms and conditions 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.

(4) For the purpose of providing money for paying off the stock or for the purpose of providing substituted stock the Company may create and the directors may issue other stock (either redeemable or irredeemable) or

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the directors may re-issue any stock originally created and issued as aforesaid provided that the creation and issue under the powers of this subsection of stock or of any particular class of stock does not make the total nominal amount of such stock or of stock of such class exceed the amount of such stock or of stock of such class which the Company are for the time being authorised to create and issue except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

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

Application
of money.

39. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable.

PART V.

MISCELLANEOUS PROVISIONS.

Detection of
waste.

40. 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 stop-cocks 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 break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric and other 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 Telegraph Act 1878.

Power to
lay pipes in
streets not
dedicated to
public use.

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

42. For the protection of the Conservators of the River Thames (in this section referred to as "the conservators") the following provisions shall unless otherwise agreed in writing between the conservators and the Company have effect (that is to say):—

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For protec-
tion of Con-
servators of
River
Thames.

- (1) Notwithstanding anything in this Act contained the Company shall not open or break up any tow-path of the Thames as defined by the Thames Conservancy Act 1924 (in this section called "the Thames") not repairable by the local authority without the consent of the conservators. Provided that such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be agreed upon or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination:
- (2) The provisions of sections 30 to 34 of the Waterworks Clauses Act 1847 shall apply to the laying down or placing by the Company of any pipe or other work in under along or across any part of any such tow-path as if such part of a tow-path were a street within the meaning of that Act and under the control or management of the conservators:
- (3) The Company shall pay to the conservators the reasonable expenses incurred by them in relation to the supervision by the conservators or their engineer of the execution by the Company of any works involving the breaking up or interference with any such tow-path:
- (4) The Company shall not except for the purposes of the section of this Act whereof the marginal note is "Power to lay pipes in streets not dedicated to public use" break up or interfere with any such tow-path and nothing in this Act shall authorise the Company to interfere with the bed soil or banks of the Thames or the navigation thereof or affect in any manner the rights powers or privileges of the conservators.

A.D. 1928.

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

Rates pay-
able by
owners of
houses let
for short
terms.

43. 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."

44. 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 by the Company from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Charges for
hose-pipes
and refri-
gerating
apparatus.

45.—(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 section 40 (Rates at which water is to be supplied for domestic purposes) of the Act of 1875 as amended by the Order of 1900 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 otherwise than by measure for domestic purposes and also by measure for purposes other than domestic purposes is used 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 shall be taken by measure and paid for at the rates for the time being charged by the Company for water supplied by measure.

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

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

- (a) any building used by an occupier as a dwelling-house whereof a 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 restaurant public-house or inn; or
- (c) any boarding-house or common lodging-house capable of accommodating at least twelve persons; or
- (d) any public institution which is habitually occupied by at least twelve persons.

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

47. Where water supplied by the Company to a farm-house 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 farm-house at the rates authorised by section 40 (Rates at which water is to be supplied for domestic purposes) of the Act of 1875 as amended by the Order of 1900 or shall deprive the Company of the right to charge for such supplies by any method which if this section had not been enacted would have been lawful. Supply for farming purposes.

A.D. 1928.

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Supply of
water by
measure.

48. The Company may if they think fit enter into agreements for the supply of water by measure to any person and may charge a rent for each meter or other instrument for measuring water supplied by them such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Price of
supply by
measure.

49. Subject to the provisions of subsection (3) of the section of this Act of which the marginal note is "Charges for hose-pipes and refrigerating apparatus" the price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons.

Contracts
for supply-
ing water in
bulk.

50. The Company may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or person 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 or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprised in that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply. 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 limits of supply:

Provided further that nothing in this section shall authorise the Company to supply water in bulk outside or for consumption or use outside the catchment area of the Thames as such catchment area is defined by section 5 of the Thames Conservancy Act 1924.

Purchase of
water in
bulk.

51. The Company may enter into and carry into effect agreements with any local authority company 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 undertaking.

Guarantees
by district
councils.

52.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for

securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district. A.D. 1928.

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

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

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

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

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for

A.D. 1928. — the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

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

(6) Such byelaws shall not apply to any water fittings used on the premises of the Great Western Railway Company other than premises to which the Company are under the Waterworks Clauses Act 1847 bound to afford a constant supply.

Company not bound to supply several houses by one pipe.

54. The Company shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

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

Notice to Company of connecting or discon-

56. 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. A.D. 1928.
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 necting
 meters.

57. Where water is supplied 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 always 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 the 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.

58. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" were omitted therefrom Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner. Amendment
 of 10 & 11
 Vict. c. 17.
 s. 44.

59. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe Entry on
 premises to
 remove
 fittings and
 meters.

A.D. 1928. meter and fitting repairing all damage caused by such entry or removal.

Extension of power to inspect premises.

60. In addition to any existing powers of entry upon and inspection of premises 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.

Power to sell or let meters &c.

61. 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.

Power to supply materials.

62. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him (whether by way of sale or by letting for hire) and repair and alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations or byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such works shall be paid by the person requiring the same.

Fittings not to be subject to distress &c.

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

Injuring meters &c.

64. 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 or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter or other instrument for measuring water of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable and 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.

A.D. 1928.
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65.—(1) Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any sluice valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained Provided that this subsection

Penalty for interference with sluices &c.

A.D. 1928. shall not apply to a consumer closing a valve fixed on his communication pipe.

(2) Where the owner or occupier of any house or building or part of a house or building or premises is not for the time being entitled to a supply or the continuance of a supply of water by the Company to or in respect of such house or building or part of a house or building or premises any person who shall without the authority of the Company turn on or cause or permit to be turned on or permit to remain turned on any sluice cock valve 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 purpose 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.

Maintenance
of common
pipe.

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

As to com-
munication
pipes.

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

(2) The Company 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 streets in the limits of supply may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

68. If it should appear to the Company that by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Company in executing such repairs shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

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Power to
Company to
repair com-
munication
pipes.

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 or occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

69. The Company shall not exercise the powers conferred upon them by the sections of this Act of which the marginal notes are "As to communication pipes" and "Power to Company to repair communication pipes" in respect of any streets roads or property of the Great Western Railway Company without the previous consent of such company but such consent shall not be unreasonably withheld Any difference arising between the Company and the Great Western Railway Company under this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to such reference.

For protec-
tion of
Great
Western
Railway
Company.

70. 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 pipe therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses

Company to
connect
communi-
cation pipes
with mains.

A.D. 1928. 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.

For protec-
tion of
Berks
County
Council.

71. The following provisions for the protection of the county council of the administrative county of Berks (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Company and the county council apply and have effect with respect to the exercise of any powers of the Company under this Act in or affecting any main road vested in the county council (that is to say):—

- (1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall except in case of emergency as regards any such road be not less than seven days instead of three days:
- (3) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve any main road in or along which any mains pipes works or apparatus of the Company (all of which are in this section referred to as "apparatus") shall have been laid and if for the purpose of any such alteration deviation or improvement it shall be reasonably necessary to take up alter the level or position of or divert any such apparatus the Company may and (if reasonably required by notice in writing so to do given to the Company by the county council under the hand of their clerk or surveyor) shall with all reasonable dispatch either take up and replace in the same or some other position or alter the level or position of or divert such apparatus in such manner and to such extent as may be agreed between the county council and the Company or as failing such agreement

A.D. 1928.

shall be determined by arbitration as hereinafter provided and the cost of such taking up replacement alteration or diversion shall be borne by the county council and be paid by them to the Company and the county council shall afford to the Company free of charge all reasonable facilities for temporarily carrying or accommodating such apparatus so as not to interrupt the continuous supply of water through the same :

- (4) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road and the Company shall not break up at any one time a greater consecutive length of any such road than shall be reasonably specified by the surveyor to the county council :
- (5) (a) Notwithstanding anything contained in this or any other Act or any Order the county council may by notice in writing under the hand of their clerk or surveyor given to the Company before the Company shall have completed laying any apparatus in or along any such main road elect themselves to restore such portion of the road as has been broken up or damaged by the Company and in the event of the county council giving such notice they shall as soon as the apparatus shall have been laid in the road by the Company and the Company shall have refilled the trench to a height level with the soil adjoining and on either side of the trench or to such other height as the county council may direct restore the said portion of the road to the condition and strength in which it was immediately before such breaking up and the Company shall repay to the county council all expenses reasonably incurred by the county council in making such restoration The Company shall make good or bear the cost of making good any subsidence of the road which may arise at any time, within three months from the completion of such restoration unless such subsidence shall result from or be contributed to by any negligence on the part of the county

A.D. 1928.
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council or their contractors servants workmen or agents in connection with such restoration (in which case the county council shall at their own expense make good such subsidence) but the Company shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of the said period of three months;

(b) If the county council give to the Company any such notice as is referred to in paragraph (a) of this subsection the Company shall give to the county council notice in writing of the completion of the laying of the apparatus for which the road was broken up or damaged and the county council shall indemnify the Company from and against all claims demands damages costs charges and expenses which may be made against or incurred by the Company in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or public holiday) from the receipt by the county council of any notice so given by the Company and by reason or in consequence of the road not having been so restored as aforesaid :

- (6) The Company shall pay to the county council the reasonable expenses incurred by them in relation to the reasonable superintendence by the county council or their surveyor of the execution by the Company of any of the works referred to in this section :
- (7) Where the flow of water from a burst or defective water main shall cause damage to any such main road the Company shall forthwith make good any such damage to the reasonable satisfaction of the county council :
- (8) The county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any apparatus of the Company by reason of such apparatus being laid at a depth below the surface of any such main road insufficient for the protection of such

apparatus from injury from the reasonable use of any steam or other roller for the repair of any such road or from the passage of the traffic on such road or in repairing any such road : A.D. 1928.
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- (9) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Company and the county council under the Waterworks Clauses Act 1847.

72. Any notice to be served by the Company on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of such other officer as aforesaid being affixed thereto as aforesaid and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or of 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. Authentication and service of notices by Company.

73. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

[Ch. lxxxi.] *Maidenhead Water* [18 & 19 GEO. 5.]
Act, 1928.

A.D. 1928.

Recovery of demands.

74. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Penalties not cumulative.

75. Penalties imposed under any Act or Order from time to time relating to the undertaking or the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Judges not disqualified.

76. 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 undertaking by reason of his being liable to the payment of any rate.

Several sums in one summons.

77. 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 undertaking 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.

Repeal of certain provisions of Act of 1875.

78. The following provisions of the Act of 1875 are hereby repealed (that is to say):—

Section 44 (Company may sell by measure);

Section 45 (Penalty for injury to and fraudulent use of meters);

Section 51 (Incoming tenant not liable to pay arrears of water rate);

Section 54 (Several names in one warrant);

Section 55 (Costs of distress);

Section 56 (Liability to rates not to disqualify justices);

Section 57 (Penalties not cumulative).

Copy of Act to be registered.

79. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceed-

ing two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily. A.D. 1928.
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There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

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

A.D. 1928.

The SCHEDULE referred to in the
foregoing Act.

DESCRIPTION OF ADDED AREA.

So much of the parish of Bisham in the rural district of Cookham as lies south-eastward of an imaginary line commencing in the private road leading along the foot of Winter Hill near Gibraltar at the point at which that road is intersected by the boundary between the said parish of Bisham and the parish of Cookham passing thence in a straight line in a south-westerly direction to the point on the north-western side of the Quarry Wood Road at which the north-eastern boundary of the property known as Beenham Lodge meets that road thence along the north-eastern northern north-western and south-western boundaries of the said property to the point on the north-western side of Quarry Wood Road at which the said south-western boundary meets that road thence in a straight line in a south-westerly direction to the north-westernmost corner of the field or enclosure situate between Park Wood and Bradnam Wood thence in a south-westerly direction along the south-eastern boundary of Bradnam Wood to the junction of that boundary with the eastern side of the road from Reading to Marlow and thence in a straight line in a south-westerly direction to a point in the northern boundary of Mungden Wood at which that boundary is intersected by the boundary between the said parish of Bisham and the parish of Hurley.

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