



CHAPTER xcvi.

An Act for authorising the Colne Valley Water Company to raise additional capital and for other purposes. A.D. 1928.
—
[3rd August 1928.]

WHEREAS the Colne Valley Water Company (in this Act called "the Company") were incorporated by the Colne Valley Water Act 1873 and were by that Act and the Colne Valley Water Acts 1873 to 1922 empowered to supply water within the limits in the counties of Middlesex and Hertford and to the extent mentioned in the said Acts :

And whereas the demand for water within the existing limits of supply of the Company has increased and is increasing and to assist the Company in meeting such a demand the Company have recently entered into an agreement with the Metropolitan Water Board for a supply of water in bulk by that board to the Company and to enable the Company to receive and utilize such supply it is expedient that powers should be conferred on the Company to lay down mains beyond their limits of supply and to acquire the lands hereinafter described :

And whereas by the said Acts and by the Colne Valley Water Company (Capital Issues) Consent 1920 the Company were authorised to raise capital to the amount of seven hundred and ninety thousand pounds and to borrow on mortgage or raise by the creation of debenture stock sums not exceeding four hundred and thirty thousand eight hundred and nine pounds :

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— And whereas the Company have raised capital to the extent of seven hundred and ninety thousand pounds by the creation and issue of ordinary and preference stock and have raised by the creation and issue of debenture stock sums amounting in the aggregate to two hundred and eighty-four thousand two hundred and twenty-three pounds :

And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys for the purposes of this Act and of their undertaking :

And whereas it is expedient that further powers should be conferred upon the Company as provided by this Act :

And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of the intended Act together with a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Hertford :

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

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

Short title.

1. This Act may be cited as the Colne Valley Water Act 1928 and the Colne Valley Water Acts 1873 to 1922 and this Act may be cited together and are in this Act referred to as the Colne Valley Water Acts 1873 to 1928 and each of those Acts is hereinafter referred to separately as the Act of the year in which the same was passed.

Incorporation of Acts.

2. There are hereby incorporated with this Act—

(1) The Lands Clauses Acts :

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single

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

- (2) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested and the said provisions shall so far as the same are respectively applicable apply to any ordinary and preference stock to be issued under the powers of this Act ;

Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

so far as such Acts or parts thereof or such provisions are applicable for the purposes of and are not inconsistent with this Act ; and

- (3) The Waterworks Clauses Acts 1847 and 1863 (except the words “with the consent in

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“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) so far as the same are
applicable for the purposes of this Act and
are not inconsistent with the Colne Valley
Water Acts 1873 to 1928.

As to appli-
cation of
Waterworks
Clauses Act
1847.

3. Notwithstanding anything contained in the Colne Valley Water Acts 1873 to 1928 sections 76 to 79 (both inclusive) of the Waterworks Clauses Act 1847 shall cease to apply to the Company.

Interpreta-
tion.

4. 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 Colne Valley Water Company;

“the limits of supply” means the limits for the time being of the Company for the supply of water;

“the undertaking” means the undertaking for the time being of the Company;

“the directors” means the directors of the Company.

Power to
acquire fur-
ther lands.

5. In addition to any other lands which the Company are by any other provision of the Colne Valley Water Acts 1873 to 1928 authorised to acquire the Company may for the purposes of the undertaking enter upon take and use all or any of the following lands (that is to say):—

Lands in the parish of Shenley in the rural district of Barnet in the county of Hertford containing 5 acres and 3 roods or thereabouts being the enclosure numbered 287 in the said parish on the $\frac{1}{2500}$ Ordnance map (edition 1914 sheet XL. 9).

Period for
compulsory
purchase of
lands.

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

Private
rights of

7. All private rights of way over any lands which may be acquired compulsorily under the powers of this

Act shall as from the date of the acquisition of such lands be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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way over
lands taken
compul-
sorily.

8. In addition to any lands which the Company are by any other provisions of the Colne Valley Water Acts 1873 to 1928 authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed fifty acres. Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Acquisition
of lands by
agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons
under dis-
ability may
grant ease-
ments &c.

10. The Company may hold any lands acquired by them under the powers of the Colne Valley Water Acts 1873 to 1928 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

Power to
hold lands
for protec-
tion of
waterworks.

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Retention
and disposal
of lands.

11. Notwithstanding anything in this or any other Act or Acts to the contrary the Company may retain hold and use for the purposes of the undertaking or may sell lease exchange or otherwise dispose of in such manner and for such consideration as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or the Colne Valley Water Acts 1873 to 1922 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to
lay mains
beyond
limits of
supply.

12. For the purposes of obtaining a supply of water from the Metropolitan Water Board and of laying pipes for supplying water within the limits of supply or from one part to any other part of such limits the Company may within so much of the borough of Ealing in the county of Middlesex as lies to the north of the Great Western Railway and the Great Western and Great Central Joint Railways or either of them exercise all the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of roads and the laying down of mains as if that part of the said borough was included within the limits of supply but nothing in this section shall authorise the Company to supply water in any part of the said borough.

For protec-
tion of Com-
missioner of
Police of
metropolis.

13. Before breaking up or otherwise interfering with any street or road situate in the metropolitan police district in connection with the execution of any works under the powers of this Act the Company shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the execution of such works.

14. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Company and the railway company apply and have effect (that is to say):—

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For protec-
tion of Lon-
don and
North
Eastern
Railway
Company.

- (1) Any works executed under the powers of this Act by the Company (hereinafter included in the expression "the authorised works") over upon across under or within 10 feet of any work or property of the railway company and any maintenance thereof shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway company (in this section referred to as "the engineer") and the Company shall at least twenty-one days before commencing any of the authorised works deliver to the engineer plans sections and specifications thereof and the said works shall be carried out in accordance with such plans sections and specifications as approved by the engineer or failing such approval as may be determined by arbitration as hereinafter provided and with all reasonable despatch:

Provided that if the engineer shall not within twenty-one days from the delivery of such plans sections and specifications signify his approval or disapproval thereof he shall be deemed to have approved thereof:

- (2) The Company shall with all despatch restore and make good to the reasonable satisfaction of the engineer the railway and other property of the railway company and the roads over or under any bridge or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works:
- (3) If the railway company so elect they may themselves execute and maintain the authorised works (other than the actual laying down and maintenance of the pipes) and may recover from the Company the reasonable expenses incurred by the railway company in connection therewith:

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- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Company or by reason of the failure of the Company to maintain the authorised works or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the railway company at the expense of the Company and the Company shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption and shall make compensation to the railway company for and in respect thereof :
- (5) In the event of the Company failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the engineer or in case of emergency of which the engineer shall be the sole judge the railway company may make good the same and make and do in and upon the lands of the Company or their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary during the construction of the authorised works or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Company shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Company shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of and in connection with employment by them during

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the construction and maintenance of the authorised works over under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or their contractors :

- (8) If at any time hereafter it is found necessary in order to enable the railway company to carry out any alterations widenings or extensions of their railway or works under any powers existing at the passing of this Act that the position of the authorised works shall be altered the Company shall on receiving notice in writing from the railway company so to do at the Company's own cost and with all despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position. If upon receipt of notice as aforesaid the Company fail within a reasonable time or refuse to alter the position of the authorised works it shall be lawful for the railway company to take up and relay the authorised works at the expense of the Company and the Company shall indemnify the railway company from and against all claims which may arise out of or in connection with the action of the railway company in taking up and relaying the authorised works :
- (9) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Company :

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(10) Any difference arising between the Company and the railway company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request 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 reference.

For protec-
tion of
Grand
Junction
Canal
Company.

15. For the protection of the Company of Proprietors of the Grand Junction Canal (hereinafter in this section referred to as "the canal company") the following provisions shall unless otherwise agreed in writing between the Company and the canal company have effect (that is to say):—

(1) The Company shall not without the previous consent in writing of the canal company lay or place any main pipe or other work for supplying or in connection with the supply of water (all of which are hereinafter included in the expression "work of the Company") in under through over or across the canal of the canal company or the towing-path thereof or other property of the canal company otherwise than in the roadway of a fixed bridge carrying a public carriage road over the same or so that such work of the Company shall be carried along the outside of the structure of the bridge in accordance with plans and sections previously submitted to and approved by the engineer of the canal company or failing such approval in accordance with plans and sections settled by arbitration as hereinafter in this section provided:

(2) Save as aforesaid no injury to or interference with the structure of any bridge belonging to the canal company or to or with the canal towing-path or other property of the canal company and no interruption to the traffic on the canal or towing path shall be occasioned in the execution of any work of the Company:

(3) The canal company or any person or body authorised by them or otherwise empowered so to do may at any time and from time to time rebuild renew alter or repair any bridge including

the approaches thereto belonging to the canal company in over along or across which any work of the Company has been laid or placed in the same manner as they might have done if this Act had not been passed and the Company shall (if and so far as it may be reasonably necessary for the purpose of such rebuilding renewing alteration or repair) on receiving notice in writing so to do from the canal company or such other company or body as aforesaid at their own cost and to the reasonable satisfaction of the engineer of the canal company remove temporarily or otherwise alter the position of the said work of the Company or temporarily support the same or take such other steps in relation to the said work as may be reasonably necessary to enable the canal company or such person or body as aforesaid to carry out such rebuilding renewal alteration or repair and on such rebuilding renewal alteration or repair being completed the Company shall have all the same rights in the bridge as rebuilt renewed altered or repaired and the approaches thereto as they had in the bridge and the approaches thereto before such rebuilding alteration renewal or repair was carried out and the provisions of this section shall apply to the work of the Company in its altered position Provided that during the rebuilding renewal alteration or repair of any bridge or approaches as aforesaid the canal company shall afford to the Company all reasonable facilities for temporarily carrying such mains pipes and works of the Company across the canal so as not to interrupt the continuous supply of water or diminish the pressure of such supply through such mains or pipes :

- (4) All operations of the Company in relation to the laying placing maintenance repair renewal relaying replacing or enlarging of any work of the Company in over or across any bridge of the canal company or in or under the approaches thereto so far as maintainable by the canal company shall be carried out under the supervision if the same be given and to the

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reasonable satisfaction of the engineer of the canal company and according to plans approved by him before the work is commenced :

- (5) Any dispute or difference which may arise between the Company and the canal company under this section shall be determined by the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and in other respects the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of
Middlesex
County
Council.

16. The following provisions for the protection of the county council of the administrative county of Middlesex (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 or any county or main road bridge or approaches thereto 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 or in upon or across any such bridge or approach 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 and except in the case of service pipes as regards any such road bridge or approach be not less than fourteen 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 or the approaches to any county or main road bridge in or along which any mains pipes or works of the Company shall have been laid and in the event of any such main road or

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approaches being altered deviated or improved as aforesaid the Company shall with all reasonable despatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter in this section provided and the county council shall repay to the Company the expenses reasonably incurred by the Company in effecting any such alteration of the position of any such mains pipes or works :

- (4) Nothing in this Act contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to which any mains pipes or works of the Company are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Company shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Company temporarily to carry such mains and pipes so

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as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :

- (5) 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 or over any such bridge or approach and the Company shall not break up at any time a greater length of any such road bridge or approach than shall be agreed between the Company and the county council or settled in the manner hereinafter in this section provided :
- (6) On completion of the work the highway or bridge (so far as affects the roadway over it or any approach thereto) shall be forthwith reinstated by the Company to the reasonable satisfaction of the said surveyor and the Company shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of keeping such highway or bridge (so far as affects the roadway over it or any approach thereto) in repair as provided by section 32 of that Act repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section but if any difference arises with regard thereto the same shall be settled by arbitration in manner hereinafter in this section provided :
- (7) 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.

For protec-
tion of
Hertford-
shire County
Council.

17. The following provisions for the protection of the county council of the administrative county of Hertford (in this section referred to as "the county council") shall 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 the Colne Valley Water Acts 1873 to 1928 in or affecting any main road or any county or main road bridge or approaches thereto vested in the county council (that is to say) :—

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- (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 or in upon or across any such bridge or approach 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 and except in the case of service pipes as regards any such road bridge or approach be not less than fourteen days instead of three days :
- (3) Nothing in the said Acts contained shall interfere with the right of the county council to alter the level of deviate or improve any main road or the approaches to any county or main road bridge in or along which any mains pipes or works of the Company shall have been laid and in the event of any such main road or approaches being altered deviated or improved as aforesaid the Company shall with all reasonable despatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter in this section provided and the county council shall repay to the Company the expense reasonably incurred by the Company in effecting any such alteration of the position of any such mains pipes or works :
- (4) Nothing in the said Acts contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to

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which any mains pipes or works of the Company are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if the said Acts had not passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Company shall at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Company temporarily to carry such mains and pipes so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :

- (5) 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 or over any such bridge or approach and the Company shall not break up at any time a greater length of any such road bridge or approach than shall be agreed between the Company and the county council or settled in manner hereinafter in this section provided :
- (6) On completion of the work the highway or bridge (so far as affects the roadway over it or any approach thereto) shall be forthwith reinstated by the Company to the reasonable satisfaction of the said surveyor and the Company shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of

keeping such highway or bridge (so far as affects the roadway over it or any approach thereto) in repair as provided by section 32 of that Act repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for the period prescribed by the said section but if any difference arises with regard thereto the same shall be settled in manner hereinafter in this section provided :

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- (7) 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 for the county of Hertford 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.

18. The provisions of the section of this Act of which the marginal note is " For protection of Hertfordshire County Council " shall mutatis mutandis extend and apply and enure for the benefit and protection of the mayor aldermen and burgesses of the borough of Watford in relation to any street road bridge or approach within the said borough and for the time being vested in or maintainable by the said corporation as if the said corporation were referred to therein instead of the county council of the administrative county of Hertford.

For protec-
tion of Wat-
ford Cor-
poration.

19.—(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 21 (Scale of charges for supply for domestic purposes after 31st December 1913) section 22 (As to schools in Harrow Urban District) and section 24 (Alteration of provisions of section 49 of Act of 1885) of the Act

Charges for
supplies for
motor cars
refrigerating
apparatus
&c.

A.D. 1928. of 1907 as modified by section 35 (Increase of charges) of the Act of 1922 and shall be recoverable in all respects with and in the same manner as the said rates.

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

(3) Where a person who takes a supply of water from the company for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by the Company by meter or may charge for water so used on such other terms as may be agreed between him and the Company.

Revision of
rates and
charges.

20.—(1) If the Company or the Hertfordshire County Council or the Middlesex County Council or a local authority having jurisdiction within the limits of supply apply to the Minister of Health at any time during the period of three months before and three months after the coming into force within the limits of supply of any new valuation lists under the Rating and Valuation Act 1925 for a revision of the rates and charges for the supply of water authorised by the Colne Valley Water Acts 1873 to 1922 or this Act or for the time being in force under any order of the said Minister made in pursuance of this section and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the undertaking have substantially altered he may by order (subject to the provisions of subsection (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 Part II of the said Act of 1925 shall be deemed to be a

circumstance affecting the undertaking within the meaning and for the purposes of this section. A.D. 1928.

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

21. The Company may from time to time raise additional capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which there may be on the issue or re-issue thereof an amount not exceeding in the whole five hundred thousand pounds by the creation and issue of further ordinary or preference stock or wholly or partially by either of those modes. Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater amount of capital than shall be sufficient after taking into account premiums and discounts (if any) as aforesaid to produce the sum of five hundred thousand pounds. Additional capital.

22. Except as by this Act otherwise provided any ordinary or preference stock created under the section of this Act of which the marginal note is "Additional capital" shall form part of the general capital of the Company and the holders thereof respectively in proportion to the amount of their stock shall subject to the provisions of this Act be entitled and subject to the same powers provisions liabilities rights privileges and incidents as other holders of ordinary or preference stock as the case may be of the Company. Provided that except as may be otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such preference stock. Additional capital to be part of general capital.

.A.D. 1928.

New stock
to be sold by
auction or
tender.

23.—(1) All ordinary and preference stock hereafter created by the Company shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk of the Hertfordshire County Council and to the clerk of the Middlesex County Council and to the clerk to the council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;

(c) No lot offered for sale shall comprise 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 stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company ;

(e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid ;

(f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be

paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be. A.D. 1928.

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

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

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

24. The Company may from time to time subject to the provisions of this Act raise by borrowing on mortgage of the undertaking or the issue of debenture stock any sum or sums not exceeding in the whole one half of the moneys which at the time of borrowing or the issue of debenture stock have been raised by the creation and issue of stock under the powers of the section of this Act of which the marginal note is "Additional capital" but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with any premiums (if any) realised on the sale thereof has been fully paid up. Power to borrow.

A.D. 1928.

Appoint-
ment of
receiver.

25. Section 66 (Appointment of receiver) of the Act of 1922 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Reserve
fund.

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

(2) The maximum amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised (other than loan capital) and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

27.—(1) The amount which may be carried by the Company in any year to any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised (other than loan capital). A.D. 1928.
—
Limit on
contingency
fund.

(2) The aggregate amount standing to the credit of any contingency fund of the Company shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised (other than loan capital).

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

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

29. The following provisions of the Act of 1922 shall apply to any stock debenture stock or mortgages issued or granted under the powers of this Act as if the said sections were with all necessary modifications re-enacted herein. Application
of provisions
of Act of
1922.

The sections above referred to are—

- Section 56 (Limit of profit on additional ordinary capital);
- Section 63 (Existing mortgages to have priority);
- Section 64 (Debenture stock);
- Section 65 (Priority of money raised on mortgage or debenture stock over other claims);

[Ch. xcvi.] *Colne Valley Water* [18 & 19 Geo. 5.]
Act, 1928.

A.D. 1928.

Section 67 (Issue of redeemable preference capital and debenture stock) (except subsection (4));

Section 69 (Receipt in case of persons not sui juris);

Section 70 (Application of money);

Section 72 (Application of existing capital).

Cisterns to be provided for high level supplies.

30. The Company may require that any premises erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such premises shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of twenty-four hours and the Company shall not be required to supply any such premises until the same are provided with a cistern in conformity with the requirements of this section.

Penalty for opening valves &c.

31. 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.

As to obligation to soften water.

32. The obligation to soften water or to supply softened water imposed on the Company under the agreement between the Company and the Harrow Local Board (now the Harrow Urban District Council) contained in the Fourth Schedule to and confirmed by the Act of 1885 or by section 5 (Extension of Colne Company's limits of supply) of the Central Middlesex Water Act 1894 shall not apply in any case in which the Company supply water obtained by them from the Metropolitan Water Board.

33. 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.

A.D. 1928.

Extension of
power to
inspect
premises.

34.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and may if they think fit establish and maintain a fund to be called "the pensions fund" for that purpose.

Power to
grant pen-
sions &c.

(2) The proprietors of the Company in general meeting may also if they think fit prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions upon which employees of the Company or any classes of such employees may become contributors to the pensions fund and the contributions to be made by such employees and the gratuities pensions allowances or payments to which such contributors shall be entitled.

(3) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(4) The directors may in any year contribute out of the revenue of the Company to any pension fund established under the provisions of this section such sum as the directors may think fit for maintaining such fund at an adequate amount.

(5) In this section the word "employee" includes any officer or servant of the Company.

35. Where the payment of more than one sum by any person is due under any Act or Order for the time being relating to the Company any summons or warrant

Several
sums in one
summons.

A.D. 1928. — issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Liability to
water rate
not to dis-
qualify
justices.

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

Penalties
not cumula-
tive.

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

Recovery of
penalties &c

38. Save as otherwise by this Act expressly provided all offences against any Act or Order for the time being relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under those Acts or any of them 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.

39. Proceedings for the recovery of any demand made under the authority of any Act or Order for the time being 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.

Repeal.

40. The following provisions of the Act of 1907 and the Act of 1922 are hereby repealed:—

The Act of 1907—

Subsection (1) of Section 30 (For protection of Hertfordshire County Council);

Section 32 (Power to grant pensions &c.).

The Act of 1922—

Section 29 (Power to hold lands for protection of waterworks);

Section 36 (Charges for hose pipes);

Section 38 (Revision of rates);

[18 & 19 GEO. 5.] *Colne Valley Water* [Ch. xcvi.]
 Act, 1928.

Section 86	(Several sums in one summons);	A.D. 1928
Section 87	(Liability to water rate not to dis- qualify justices from acting);	—
Section 88	(Penalties not cumulative);	
Section 89	(Recovery of penalties &c.);	
Section 90	(Recovery of demands).	

41. All costs charges and expenses of and incident Costs of Act.
to the preparing for obtaining and passing of this Act
or otherwise in relation thereto shall be paid by the Com-
pany and may in whole or in part be paid by the Company
as part of their expenses on revenue account to the extent
of not exceeding one-third of such charges and expenses
in any one year.

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