

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. xxxvii.]
*Provisional Orders Confirmation (Herne Bay Water
and Southend Water) Act, 1931.*



CHAPTER xxxvii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Herne Bay Water and Southend Water. [8th July 1931.] A.D. 1931.

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made certain provisional orders which need confirmation by Parliament: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

Be it therefore 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 :—

1. The others of the Minister of Health which as amended are set out in the schedule to this Act are hereby confirmed and shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (Herne Bay Water and Southend Water) Act 1931. Short title.

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SCHEDULE.

HERNE BAY WATER.

*Herne Bay
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*Provisional Order under the Gas and Water Works Facilities
Act 1870 and the Gas and Water Works Facilities Act
1870 Amendment Act 1873 empowering the Herne Bay
Waterworks Company to raise additional capital and
for other purposes.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and all other powers enabling him in that behalf hereby orders as follows :—

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This order may be cited as the Herne Bay Water Order 1931 and the Herne Water Acts 1867 to 1899 the Herne Water Order 1906 which was confirmed by the Water Orders Confirmation Act 1906 the Herne Bay Waterworks Company (Capital Issues) Consent 1921 the Herne Bay Waterworks Company (Modification of Charges) Order 1922 and this order may be cited together as the Herne Bay Waterworks Acts and Orders 1867 to 1931 and shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this order.

Commence-
ment of
order.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Under-
takers.

3. The Herne Bay Waterworks Company incorporated by the Herne Water Act 1867 shall be the Undertakers for the purposes of this order.

Interpreta-
tion.

4.—(1) The several words and expressions to which by any Act incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this order the same respective meanings.

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

(d) The Waterworks Clauses Acts 1847 and 1863;

are except where expressly varied by this order incorporated with and form part of this order.

(2) For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this order and the term "Company" shall mean the Undertakers.

PART II.

FINANCIAL PROVISIONS.

Additional
capital.

6.—(1) In addition to the capital already authorised to be raised by the Undertakers they 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 may be obtained or allowed respectively on the issue or re-issue thereof an amount 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 any one or more of those modes respectively.

(2) No share or stock issued under the powers of this order shall vest in the person accepting the same until the full price of such share or stock including any premium obtained on the sale thereof shall have been paid.

Limits of
profit on
additional
capital.

7. The Undertakers shall not in any one year pay out of their profits any larger dividend on any additional capital raised under the powers of this order than seven pounds in respect of every one hundred pounds of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds of such capital as shall be issued as preference capital except so far as a larger dividend may at any time be necessary to make up the deficiency of any previous dividend in respect of such capital as shall be issued as ordinary capital which shall have fallen short of the said sum of seven pounds per centum per annum.

New shares
or stock to
be subject to
same
incidents as
other shares
or stock.

8. Except as by this order otherwise provided the capital in new shares or stock created under this order and the new shares or stock in that capital and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the

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(2) In this order unless the context otherwise requires—

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“the commencement of this order” means that date when this order comes into operation;

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“the existing Acts and orders” means the Herne Water Acts 1867 to 1899 the Herne Water Order 1906 the Herne Bay Waterworks Company (Capital Issues) Consent 1921 and the Herne Bay Waterworks Company (Modification of Charges) Order 1922;

“the Undertakers” means the Herne Bay Waterworks Company;

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

“the directors” means the directors of the Undertakers; and

“the Minister” means the Minister of Health.

5.—(1) So far as the same are applicable to the purposes of this order the provisions of—

Incorporation of Acts.

(a) The Companies Clauses Consolidation Act 1845 as amended by the Companies Clauses Consolidation Act 1888 with respect to the following matters (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;

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 Undertakers 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;

(b) Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869;

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Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

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9. If in any year the funds of the Undertakers applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

Dividends on different classes of stock or shares to be paid proportionately.

10.—(1) All ordinary or preference shares or stock issued by the Undertakers after the passing of this order shall be issued in accordance with the provisions of this section.

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 shall from time to time determine:

Provided as follows:—

- (a) Notice of the intended sale shall be given in writing to the clerk to the council of each urban and rural 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 Undertakers in a sealed letter to be received by the Minister 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) 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 ordinary or preference shares or stock of the Undertakers 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 Undertakers or consumer of water supplied by the Undertakers;

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(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers 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 Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Undertakers in such proportion as the directors may think fit or one or more of those classes of persons only :

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Minister stating the total amount of each class of shares or stock sold the total amount obtained as premium (if any) and the highest and lowest price obtained for each class of shares or stock.

Power to
borrow.

11. In addition to any other sums which they are authorised by the existing Acts and orders to borrow the Undertakers may from time to time subject to the provisions of this order borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the moneys which at the time of borrowing have been raised by the creation and issue of shares or stock under the powers of this order but no sum shall be borrowed in respect of any capital so raised until the Undertakers shall have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

Borrowing
powers in
respect of
existing
capital.

12. The Undertakers may from time to time subject to the provisions of this order in respect of the capital raised under the existing Acts and orders borrow on mortgage of their undertaking without the certificate of a justice under section 40 of

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the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock before the commencement of this order and outstanding at the date or respective dates on which the Undertakers exercise the powers of this section) the sum of twenty-three thousand five hundred and fifty pounds.

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13.—(1) The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as incorporated with this order but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement of this order created and issued or granted by the Undertakers under any previous or subsequent Act or order or this order shall subject to the provisions of any subsequent Act or order rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Debenture
stock.

(2) Notice of the effect of the foregoing subsection shall be endorsed on all mortgages and certificates of debenture stock.

14. All money to be raised by the Undertakers on mortgage or debenture stock under the provisions of this order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this order :

Priority of
money
raised on
mortgage or
debenture
stock over
other claims.

Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of the undertaking and works of the Undertakers or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

15. 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 :

Appointment
of receiver.

Provided that on any application for the appointment of a receiver in respect of arrears of principal the appointment of a receiver shall not be authorised unless the aggregate amount

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is made shall not be less than one-tenth part of the amount for
the time being owing by the Undertakers upon mortgage of
the undertaking.

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Redeemable
preference
shares or
stock and
debenture
stock.

16.—(1) In this section unless the context otherwise requires—

“stock” means and includes preference shares or stock
and debenture stock;

“issue” includes re-issue;

“redeemable stock” means any stock issued under the
powers of this section so as to be redeemable;

“redeemed stock” means any redeemable stock which
has been redeemed and is available for issue under
the provisions of this section.

(2) Subject to the provisions of this section the directors
may from time to time by virtue of this order and without further
or other sanction issue so as to be redeemable any stock created
by the Undertakers after the commencement of this order :

Provided that no redeemed stock shall be issued except for
the purpose of effecting the redemption of redeemable stock
under the provisions of this section unless the issue is authorised
by a resolution of the Undertakers passed at a special meeting
convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off
the stock or by issuing to the holder of the stock (subject to
his consent) other stock in substitution therefor and for the
purpose of raising money to pay off or of providing stock in
substitution for any redeemable stock the Undertakers may
create new stock or the directors may issue any redeemed stock
so as to be redeemable or irredeemable as they may think fit :

Provided that—

(a) no new stock shall be created nor shall any redeemed
stock be issued so as to make the total amount of
any particular class of stock exceed the amount of
stock of that class which the Undertakers are for the
time being authorised to create except during any
necessary interval between the creation or (in the
case of redeemed stock) the issue of the stock and com-
pletion of the redemption of the redeemable stock
for the purpose of redeeming which the stock of such
particular class is proposed to be so created or issued ;
and

(b) during such interval as aforesaid the amount raised
by means of any preference shares or stock so created
or issued shall not be deemed to be paid up share
capital for the purposes of any enactment regulating
the borrowing powers of the Undertakers.

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(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Undertakers of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Undertakers was lawful in the circumstances existing at the date of such grant or issue :

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Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Undertakers of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Undertakers shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 10 of this order.

17. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt in
case of
persons not
sui juris.

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

Application
of moneys.

Provided that all such sums shall for the purpose of determining the powers of the Undertakers to raise money by

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— to any reserve or other fund but for no other purpose be reckoned
Herne Bay as part of the paid-up capital.
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Application of existing capital. 19. The Undertakers may apply to the purposes of this order to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Interim dividends. 20. The directors of the Undertakers may in any year declare and pay out of the funds of the Undertakers applicable to dividend an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Undertakers without the sanction or direction of a general meeting but no such half-yearly dividend shall in the case of ordinary shares or stock exceed one-half of the prescribed maximum annual rate of dividend payable on such shares or stock and in the case of preference shares or stock exceed one-half of the preferential annual rate of dividend assigned to such shares or stock.

PART III.

SUPPLY OF WATER.

Contracts for supplying water in bulk. 21.—(1) The Undertakers 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 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 district council of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply.

(2) Nothing in this section shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Application of section 35 of Waterworks Clauses Act 1847. 22. Section 35 of the Waterworks Clauses Act 1847 in its application to the Undertakers shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

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23.—(1) The Undertakers 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 and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets 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 of water.

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Byelaws for
preventing
waste &c. of
water.

(2) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 184 and section 186 of the Public Health Act 1875 shall apply to all byelaws so made subject to such modifications as may be necessary.

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

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

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

Power to
supply
fittings.

(2) If any fittings let for hire under the provisions of this section shall bear either a distinguishing metal plate affixed

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— mark conspicuously impressed or made thereon sufficiently
Herne Bay indicating the Undertakers as the actual owners thereof such
Water Order. fittings 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.

Power to Undertakers to repair communication pipes. 25. If it shall appear to the Undertakers that by reason
of any injury to or defect in any communication pipe which the
Undertakers 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 Undertakers (subject
to the provisions of the Waterworks Clauses Act 1847 with respect
to the breaking up of streets for the purpose of laying pipes) to
execute such repairs as they may think necessary or expedient in
the circumstances of the case without being requested so to do
and if any injury to or defect in the communication pipes shall
have been found the reasonable expense incurred by the Under-
takers in ascertaining the cause of the injury or defect and in
executing the repairs (including the expenses of breaking up and
reinstating any road pavement or soil) shall be recoverable by
the Undertakers from the owner of the premises supplied or in
cases where the communication pipe is repairable by the occupier
of such premises from the occupier in like manner as the water
rates in respect of the premises are recoverable :

Provided that except in case of emergency the Undertakers
shall not under the powers of this section enter into any house or
private premises unless they shall have given to the occupier of
the house or premises and in any case where the communication
pipe is repairable by the owner of the house or premises to such
owner not less than twenty-four hours' previous notice of their
intention so to enter.

Undertakers to connect pipes with mains. 26. Notwithstanding anything contained in any Act relating
to the Undertakers the Undertakers shall have the exclusive right
of executing any works on any of their water mains for connecting
any communication pipe therewith and the Undertakers shall on
the request of any owner or occupier of any premises who is
entitled to be supplied with water by the Undertakers 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 the reasonable expenses incurred by the Undertakers in so
doing shall be repaid by the owner or occupier so requesting and
shall be recoverable summarily as a civil debt.

Separate communication pipes 27.—(1) The Undertakers shall not be bound to supply
more than one house by means of the same communication pipe
and they may if they think fit by notice in writing require

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the owner of any house to lay a separate communication pipe from the main pipe to that house. A.D. 1931.

(2) If the owner of any house supplied with water by the Undertakers fails within a period of one month after the receipt of a notice under the foregoing subsection to provide a separate communication pipe into such house the Undertakers may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt. *Herne Bay Water Order.*
may be required.

28. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of such pipe in such shares as shall be settled by the engineer of the Undertakers. Maintenance of common pipes.

29.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like power to open the ground as is conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections. Opening of ground by persons liable to maintain pipes &c.

(2) The Undertakers by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

30. Every person who shall wilfully (without the consent of the Undertakers) or negligently close or shut off any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained: Penalty for closing valves and apparatus.

Provided that this section shall not apply to a consumer losing a valve fixed on his communication pipe.

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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 Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Undertakers 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 that section shall extend and apply accordingly.

Extension of
power to
inspect
premises.

32. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Undertakers 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 Undertakers 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.

Cisterns to
be provided
for high-level
supplies.

33. The Undertakers may require that any dwelling-house the erection of which is commenced after the commencement of this order situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Undertakers shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

PART IV.

LANDS AND WORKS.

Acquisition
of lands by
agreement.

34. In addition to any lands which the Undertakers are by the existing Acts and orders authorised to acquire or hold the Undertakers may by agreement purchase or take on lease or otherwise acquire and hold further lands for the purposes of the undertaking or any easement right or privileges not being an easement right or privilege of water in which persons other than the parties to the agreement have an interest in over or under any such lands or otherwise but the quantity of lands held by the Undertakers in pursuance of this section shall not at any time exceed fifteen acres :

Provided that the Undertakers shall not create or permit a nuisance on any such land nor erect nor authorise the erection

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of any buildings thereon except offices and buildings for persons in their employ and such buildings and works as are required for or are connected with or incident to the purposes of the undertaking.

A.D. 1931.

—
*Herne Bay
Water Order.*

35. Notwithstanding anything in the Lands Clauses Acts the Undertakers may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements connected or enjoyed therewith and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to
sell lease &c.
lands.

36. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them under this order unless the works are authorised by and the lands upon which the same are to be constructed are specified in some Act of Parliament.

Limiting
power to
abstract
water.

37.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other works of the Undertakers the Undertakers may cause the water in any such works to be discharged into any available stream or watercourse.

Discharge of
water into
streams.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company nor shall the Undertakers without the consent of that company cause water to be discharged into any ditch or watercourse constructed for the purpose of draining such railways or works.

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and Southend Water) Act, 1931.*

A.D. 1931. (4) Any water discharged by the Undertakers in exercise
— of the powers of this section shall be as free as may be reasonably
Herne Bay practicable from mud or solid or offensive matter.
Water Order.

PART V.

MANAGEMENT OF UNDERTAKING.

Meetings of 38.—(1) Notwithstanding anything in the Companies Clauses
Undertakers. Consolidation Act 1845 or in any Act or order relating to the
Undertakers the Undertakers may by a resolution of a general
meeting at any time determine that the future ordinary meetings
of the Undertakers shall be held once only in each year in the
month of February or at such other time as the directors may
from time to time determine and so long as any such resolution
is in force it shall not be obligatory on the Undertakers to hold
half-yearly meetings or to balance their books or make up a
balance sheet half-yearly.

(2) The Undertakers may from time to time in like manner
alter or rescind any such resolution.

Closing of 39.—(1) The directors may close the register of transfers
transfer for a period not exceeding fourteen days previous to the declara-
books. tion of any dividend and they may close the registers of transfers
of mortgages and debenture stock for a period not exceeding
fourteen days previous to each date at which the interest thereon
shall be payable :

Provided that before exercising their powers under this
subsection the directors shall fix a day for closing the register
and shall give seven days' notice either by circular to each pro-
prietor of the shares stock mortgages or debenture stock (as the case
may be) concerned or by advertisement in a newspaper circulating
in the limits of supply.

(2) Any transfer of shares or stock or mortgages or debenture
stock made during the time when the register of transfers of
such shares stock or security is so closed shall as between the
Undertakers and the person claiming under such transfer but
not otherwise be considered as made subsequent to the declaration
of any such dividend or the payment of any such interest as
the case may be.

Directors 40. Notwithstanding anything in the Companies Clauses
holding Consolidation Act 1845 no person shall be disqualified from
office under being a director of the Undertakers by reason of his holding any
or contract- office or place of trust or profit under the Undertakers or by
ing with Un- reason of his being interested in any contract with the Under-
dertakers. takers nor shall any director be required to cease from voting or

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acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract : A.D. 1931.

—
*Herne Bay
Water Order.*

Provided that—

- (a) If any director shall be or become interested in any contract with the Undertakers (whether such interest shall arise before or after his appointment as a director) the nature of his interest in the contract shall be disclosed by him if it then exists at the meeting of the directors at which the contract is determined on or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment as a director as the case may be and shall also be disclosed in the next annual report of the Undertakers; and
- (b) No director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Undertakers to give to the directors or any of them any security by way of indemnity.

41. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine from time to time the remuneration of the secretary of the Undertakers. Directors may determine remuneration of secretary.

42.—(1) The directors may make superannuation and other allowances and pay pensions to any officers servants or employees of the Undertakers who may be temporarily or permanently disabled by sickness infirmity or old age or the dependants of such officers servants or employees. Power to make superannuation and other allowances.

(2) The directors may enter into and carry into effect agreements with any insurance company for securing to any officers servants or employees such pensions allowances or payments as are by this section authorised to be granted or made.

(3) The directors may subscribe or make donations to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

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

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PART VI.

*Herne Bay
Water Order.*

SUPPLEMENTAL.

Justices not
disqualified.

43. A judge of any court or a justice shall not be disqualified from acting in the execution of the existing Acts and orders or this order by reason of his being liable to the payment of any rate.

Several sums
in one sum-
mons or
warrant.

44. Where the payment of more than one sum by any person is due under this order or any Act or other order relating to the Undertakers any summons or warrant issued for any of the purposes of those Acts or orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Costs of
order.

45. All the costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers.

Repeal.

46. The sections mentioned in the schedule to this order of the Herne Water Act 1867 and the Herne Bay Water Act 1899 are hereby repealed.

SCHEDULE.

ENACTMENTS REPEALED BY THIS ORDER.

The Herne Water Act 1867—

Section 28 (Protection from impurities and against waste).

Section 29 (Incoming tenant not liable for arrears).

Section 30 (Regulations to be made for preventing waste of water).

Section 34 (Recovery of charges for supply of water).

Section 35 (Recovery of sums by action).

Section 36 (Several sums in one summons).

Section 37 (Costs of distress).

Section 39 (No justice disqualified by being a shareholder &c.).

The Herne Bay Water Act 1899—

Section 7 (Power to sell &c. lands).

SOUTHEND WATER.

A.D. 1931.

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 empowering
the Southend Waterworks Company to raise additional
capital and for other purposes.*

*Southend
Water
Order.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows:—

PART I.

PRELIMINARY.

1. This order may be cited as the Southend Waterworks Order 1931 and the Southend Waterworks Acts 1879 to 1924 and this order may be cited together as the Southend Waterworks Acts and Order 1879 to 1931.

Short and
collective
titles.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Commence-
ment of
order.

3.—(1) Unless the context otherwise requires the several words terms and expressions to which by any Act wholly or partly incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this order the same respective meanings.

Interpreta-
tion.

(2) In this order unless the context otherwise requires—

“the commencement of this order” means the date upon which this order comes into operation;

“the Undertakers” means the Southend Waterworks Company;

“the directors” means the directors of the Undertakers;

“the Minister” means the Minister of Health;

“the Act of 1924” means the Southend Waterworks Act 1924;

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

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Order.*

“the local Acts” means the Southend Waterworks Acts 1879 to 1924; and

“the limits of supply” means the limits within which the Undertakers are from time to time authorised to supply water.

Incorporation of Acts.

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

The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) as amended by the Companies Clauses Consolidation Act 1888;

Part I (relating to cancellation and surrender of shares)
Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

(2) For the purpose of such incorporation the expression “special Act” where used in the said Acts shall be construed to mean this order and the term “Company” shall mean the Undertakers.

PART II.

FINANCIAL PROVISIONS.

Power to Undertakers to raise additional capital.

5.—(1) In addition to the capital already authorised to be raised by the Undertakers they may from time to time raise additional capital in accordance with the provisions of this section 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.

(2) The Undertakers shall not create and issue under the powers of this order any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of four hundred thousand pounds.

(3) The Undertakers shall not under the powers of this order issue any share of less nominal value than ten pounds.

(4) No share or stock issued under the powers of this order shall vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof shall have been paid.

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6.—(1) All ordinary or preference shares or stock issued by the Undertakers after the commencement of this order shall subject to the provisions of this order be issued in accordance with the provisions of this section.

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Water
Order.*

(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 shall from time to time determine :

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

Provided as follows—

- (a) Notice of the intended sale shall be given in writing to the town clerk of the borough of Southend-on-Sea to the clerk to the council of each urban and rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister 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) 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 ;
- (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 Undertakers 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 Undertakers or consumer of water supplied by the Undertakers ;
- (e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid ; and
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

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Order.*

(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 Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of these classes of persons only :

Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold may be disposed of 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 Undertakers shall send a report thereof to the Minister stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

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

7.—(1) Notwithstanding anything contained in section 6 of this order the Undertakers with the approval of the Minister may—

(a) when ordinary or preference shares or stock of the Undertakers are to be issued (and whether or not the then existing ordinary or preference shares or stock are at a premium) before offering the shares or stock so to be issued for sale by auction or tender offer the shares or stock to the consumers of water supplied by the Undertakers and employees of the Undertakers at not less than the value thereof at the date of the offer ;

(b) offer for subscription by the public free from the provisions of the said section of this order (but subject to such conditions as the Minister may think fit to impose) any shares or stock to be so issued as aforesaid ;
and

(c) on the offer for sale or subscription by the public of any shares or stock to be so issued as aforesaid or any debenture stock to be issued by the Undertakers after the commencement of this order pay a commission not exceeding two and a half per centum :

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Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Undertakers relating to the offer for sale or inviting subscriptions for such shares or stock.

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(2) Before giving his approval under subsection (1) of this section the Minister shall consider any representations which may be made by the corporation of the borough of Southend-on-Sea relative to the question whether such approval should or should not be given.

(3) For the purposes of paragraph (a) of subsection (1) of this section the value of any shares or stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Undertakers' books sales of shares or stock of the same class were effected within the period of six months immediately preceding the date on which the value of the shares or stock is required to be determined or if there has been only one sale or no sale of such shares or stock during such period then the price at which the last sale of such shares or stock was effected making due allowance for any probable change in value (not exceeding five per centum) since such date due to the accrual or payment of dividend or any other cause.

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

8. In addition to any sums which they are authorised to borrow by the local Acts the Undertakers may subject to the provisions of this order borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital (including premiums and allowing for discounts) which at the time of borrowing have been raised by the creation and issue of shares or stock under the powers of this order but no sum shall be borrowed in respect of any capital so raised until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Power to
borrow.

9. The principal moneys secured by all mortgages subsisting at the commencement of this order which may have been granted by the Undertakers under the local Acts shall during the continuance of those mortgages have priority over the principal moneys secured by any mortgages granted by the Undertakers under the authority of this order but nothing in this order shall

Priority of
principal
moneys
secured by
existing
mortgages.

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prejudice the priority conferred by the local Acts in respect of the interest upon debenture stock and mortgages.

For appoint-
ment of
receiver.

10. Section 74 of the Act of 1924 (which relates to the appointment of a receiver) shall extend to the mortgagees of the Undertakers in respect of mortgages granted under this order.

Debenture
stock.

11. The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 34 of the Southend Waterworks Act 1879.

Incorpora-
tion of
provisions of
Act of 1924.

12. The provisions of the sections of the Act of 1924 mentioned in the first schedule to this order shall so far as they are applicable apply for the purposes of this order as if they were set out in this order with the substitution of the words "Undertakers" "order" and "commencement of this order" for "Company" "Act" and "passing of this Act" respectively.

Redeemable
preference
shares or
stock and
debenture
stock.

13.—(1) In this section unless the context otherwise requires—

"stock" means and includes preference shares or stock and debenture stock;

"issue" includes re-issue;

"redeemable stock" means any stock issued under the powers of this section so as to be redeemable;

"redeemed stock" means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this order and without further or other sanction issue so as to be redeemable any stock created by the Undertakers after the commencement of this order:

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Undertakers passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Undertakers may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

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(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Undertakers are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

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Order.*

(b) during such interval as aforesaid the amount raised by means of any preference shares or stock so created or issued shall not be deemed to be paid up share capital for the purposes of any enactment regulating the borrowing powers of the Undertakers.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Undertakers of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Undertakers was lawful in the circumstances existing at the date of such grant or issue :

Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Undertakers of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Undertakers shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

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Order.*

(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 6 of this order.

(8) Section 14 of the Southend Waterworks Act 1921 and section 76 of the Act of 1924 shall not apply to the creation of stock after the commencement of this order.

Power to
apply funds.

14. Notwithstanding anything in the local Acts the Undertakers may apply to any purposes of this order to which capital is properly applicable any moneys which they have raised or are authorised to raise under those Acts.

PART III.

WATER SUPPLY AND CHARGES.

Charges for
supplies for
motor cars
and certain
apparatus.

15.—(1) Where water supplied for domestic purposes otherwise than by measure is used for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge in addition to the rates which they are from time to time authorised to levy for a supply of water for domestic purposes 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 one quarter in advance and shall be recoverable in all respects with and in the same manner as the said rates.

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

(3) Where a person who takes a supply of water for domestic purposes from the Undertakers otherwise than by measure desires to use for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water any

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of the water so supplied the Undertakers may if they think fit require that all water so used shall— A.D. 1931.

(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 *Southend Water Order.*

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

16.—(1) Where two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Undertakers in respect of any supply of water for domestic purposes furnished by the Undertakers to any one or more of such houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings so occupied. Water rate in case of two or more houses in one occupation.

(2) A part of a house or building shall for the purposes of this section be deemed to be a house or building.

17. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers 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 Undertakers in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination thereunder he shall for every such offence be liable to a penalty not exceeding five pounds : Extension of power to inspect premises.

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

18.—(1) If the owner or occupier of any premises outside the limits of supply desires to obtain from the Undertakers a supply of water the Undertakers may with the approval of the Minister and subject to the provisions of this section and to such conditions (if any) as the Minister may impose supply water to those premises. Supply of water by Undertakers to premises outside limits of supply.

(2) Before an application is made to the Minister for an approval under this section the Undertakers shall obtain the consent of the council of the borough or district within whose area the premises are situate and of any undertakers authorised by an Act or order to supply water within whose limits of supply the premises are situate.

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(3) The charge made by the Undertakers for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Undertakers for water supplied for a similar purpose within the limits of supply.

(4) Where the Minister has given his approval to a supply of water to any premises by the Undertakers under this section the provisions of the Acts and orders from time to time relating to the Undertakers shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the Minister is to be given.

PART IV.

MANAGEMENT OF UNDERTAKING.

As to share-
holders'
register.

19. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the commencement of this order to authenticate the register of the shareholders of the Undertakers by affixing thereto the common seal of the Undertakers.

Substitution
of card index
for share-
holders'
address
book.

20. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 as from time to time applied to the Undertakers the Undertakers may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Undertakers) containing the names and addresses of the several shareholders of the Undertakers and that section in its application to the Undertakers shall be read and have effect accordingly.

Power to
grant pen-
sions &c.

21.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee of the Undertakers or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or family or any dependant of an employee and they may with the approval of a general meeting of the Undertakers establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing such gratuities pensions allowances or

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payments to any such employee widow family or dependant and no superannuation fund established under this section otherwise than by means of such an agreement shall if employees are required to contribute thereto come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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(3) Any pension granted by the directors in pursuance of this section shall be reported to the next general meeting of the Undertakers.

(4) The directors may subscribe or make donations to infirmaries hospitals convalescent homes and other institutions which would be for the benefit of the employees of the Undertakers and to the benevolent and sick funds of the employees.

(5) The directors may apply the revenues of the Undertakers for the purposes of this section.

PART V.

SUPPLEMENTAL.

22. This order shall be deemed to be an Act relating to the Undertakers within the meaning of the sections of the Act of 1924 mentioned in the second schedule to this order.

Application
of section of
Act of 1924.

23.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this order and those inspectors shall for the purposes of any inquiry have all such powers as they have for the purpose of inquiries directed by the Minister under the Public Health Act 1875.

Inquiries and
expenses.

(2) Where the Minister causes any such inquiry to be held with reference to any of the purposes of this order the costs incurred by the Minister in relation to that inquiry (including such sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by the Undertakers and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Undertakers shall be a debt due to the Crown from the Undertakers.

24. The enactments mentioned in the third schedule to this order are hereby repealed to the extent shown in the third column of that schedule.

Repeal.

25. All the costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers.

Costs of
order.

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SCHEDULES.

FIRST SCHEDULE.

SECTIONS OF THE ACT OF 1924 INCORPORATED WITH THIS ORDER.

- Section 65 (Incidents of new shares or stock).
- Section 66 (Dividends on new shares or stock).
- Section 67 (Restriction as to votes in respect of preference shares or stock).
- Section 68 (Profits of Company on additional capital limited).
- Section 71 (Application of moneys).
- Section 77 (Priority of money raised on mortgage or debenture stock).

SECOND SCHEDULE.

SECTIONS OF THE ACT OF 1924 WITHIN THE MEANING OF WHICH
THIS ORDER IS DEEMED TO BE AN ACT RELATING TO THE
UNDERTAKERS.

- Section 80 (Several sums in one summons).
- Section 81 (Recovery of penalties).
- Section 82 (Recovery of demands).
- Section 83 (Judges not disqualified).
- Section 84 (Penalties not cumulative).

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.	Subject matter of repealed enactment.
57 & 58 Vict. c. lxi.	The Southend Water-works Act 1894.	Sections 19 to 22.	Offer of shares or stock by auction or tender and to shareholders.
61 & 62 Vict. c. cxiv.	The Southend Water-works Act 1898.	Sections 24 to 27. Section 34.	Offer of shares or stock by auction or tender and to shareholders. Debenture stock and mortgages to be sold by auction or tender.

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. xxxvii.]
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Session and chapter.	Short title.	Extent of repeal.	Subject-matter of repealed enactment.
4 Edw. 7. c. vi.	The Southend Waterworks Act 1904.	Sections 9 to 12.	Offer of shares or stock by auction or tender and to shareholders.
		Section 19.	Debenture stock and mortgages to be sold by auction or tender.
7 Edw. 7. c. lxxv.	The Southend Waterworks Act 1907.	Sections 29 to 32.	Offer of shares or stock by auction or tender and to shareholders.
10 Edw. 7. & 1 Geo. 5. c. xix.	The Southend Waterworks Act 1910.	Section 38.	New shares or stock to be sold by auction or tender.
5 & 6 Geo. 5. c. lxxvii.	The Southend Waterworks Act 1915.	Section 24.	New shares or stock to be sold by auction or tender.
11 & 12 Geo. 5. c. lxxv.	The Southend Waterworks Act 1921.	Section 13.	As to notice of sale of shares or stock by auction.
		Section 17.	Power to make superannuation and other allowances.
		Section 18.	Power to make donations and subscriptions.
14 & 15 Geo. 5. c. lxxii.	The Southend Waterworks Act 1924.	Section 69.	New shares or stock to be sold by auction or tender.
		Section 70.	Power to offer unissued capital by subscription.

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