

[26 GEO. 5. & *Wrexham and East* [Ch. cvii.]
1 EDW. 8.] *Denbighshire Water Act, 1936.*



CHAPTER cvii.

An Act to authorise the Wrexham and East Denbighshire Water Company to construct new waterworks to alter the limits of supply of the Company to enlarge their powers in relation to the raising of money and for other purposes. A.D. 1936.
—
[31st July 1936.]

WHEREAS the Wrexham and East Denbighshire Water Company (in this Act referred to as "the Company") were incorporated by the Wrexham Waterworks Act 1864 by the name of the Wrexham Waterworks Company and are by the Wrexham and East Denbighshire Water Acts and Orders 1864 to 1933 empowered to construct works and supply water within limits in the counties of Denbigh Chester and Flint thereby prescribed: 27 & 28 Vict. c. lxxxv.

And whereas it is expedient that the Company should be authorised to construct new waterworks and that the limits for the supply of water by the Company should be altered:

And whereas a statement of the authorised and paid up capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and of their undertaking and should have other financial powers conferred on them as provided by this Act:

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— And whereas it is expedient to confer upon the Company the further powers in this Act contained and that the other provisions of this Act should be enacted :

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

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

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

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the *Wrexham and East Denbighshire Water Act 1936* and the *Wrexham and East Denbighshire Water Acts and Orders 1864 to 1933* and this Act may be cited together as the *Wrexham and East Denbighshire Water Acts and Orders 1864 to 1936*.

Act divided into Parts.

2. This Act may be divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Works and lands.
Part III.—Supply of water &c.
Part IV.—Financial provisions.
Part V.—Administrative and miscellaneous provisions.

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

A.D. 1936.
—
Incorporation of
Acts.

- (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 arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the President of the Surveyors' Institution on the application of either party Provided also that section 34 of the Lands Clauses Consolidation Act 1845 shall be read and have effect subject to the following proviso in all cases in which notice of the effect of such proviso accompanies any offer of purchase money and compensation made by the promoters (namely):—

8 & 9 Vict.
c. 18.

Provided that in the event of a party to whom a sum shall have been offered by the promoters at least ten days before the commencement of the hearing before the arbitrator failing within ten days of the making of the offer to notify the promoters in writing that he accepts the same all the costs and expenses of the promoters of and incidental to the arbitration incurred by them after the date of the offer shall in the event of his subsequently accepting such offer be borne by him including any fees and expenses of the arbitrator :

- (2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if so much of the lines of pipes by this Act authorised as will not be constructed in a highway were referred to in lieu of "the railway" and as if the centre

8 & 9 Vict.
c. 20.

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line of so much of the lines of pipes as aforesaid were referred to in lieu of "the centre of the railway" :

10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.

(3) The Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847 :

8 & 9 Vict.
c. 16.

(4) The Companies Clauses Consolidation Act 1845 (except the provisions with respect to the conversion of borrowed money into capital) and 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.

26 & 27 Vict.
c. 118.

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 partly incorporated herewith have the same respective meanings And—

"The Company" means the Wrexham and East Denbighshire Water Company;

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

"The new works" means the works described in the section of this Act of which the marginal note is "Power to construct waterworks";

"The directors" means the directors of the Company;

"The Order of 1933" means the Wrexham and East Denbighshire Water Order 1933;

"The existing Acts" means the Wrexham and East Denbighshire Water Acts and Orders 1864 to 1933;

"The existing limits" means the area within which the Company are immediately prior to the passing of this Act authorised to supply water under the existing Acts;

“ The limits of supply ” means the limits within which the Company are from time to time authorised to supply water; A.D. 1936.

“ The Minister ” means the Minister of Health;

“ The county council ” means the county council of the administrative county of Denbigh.

PART II.

WORKS AND LANDS.

5. Subject to the provisions of this Act the Company may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works in the rural district of Wrexham in the county of Denbigh (that is to say):— Power to construct water-works.

Work No. 1 A catchwater aqueduct or line or lines of pipes with intakes in the parish of Pen-y-cae commencing in a tributary of the Trefechan Brook at a point 1500 yards or thereabouts south-west of the premises known as “ Mountain Lodge ” in the enclosure numbered in the said parish 490 on the 1/2500 Ordnance map (Denbighshire sheet XXXIV.4 edition of 1899) and terminating in the Pant Glas reservoir hereinafter described in the enclosure numbered in the said parish 18 on the 1/2500 Ordnance map (Denbighshire sheet No. XXXV.1 edition of 1912);

Work No. 2 An impounding reservoir (to be known as the Pant Glas reservoir) in the said parish of Pen-y-cae formed by an embankment or dam across the Nant-y-crogfrin Brook at a point 100 yards or thereabouts east of the farm house known as “ Pant Glas ” in the enclosure numbered in the said parish 18 on the 1/2500 Ordnance map (Denbighshire sheet No. XXXV.1 edition of 1912);

Work No. 3 An aqueduct or line or lines of pipes in the parishes of Pen-y-cae and Rhosllanerch-rugog commencing in the Pant Glas reservoir hereinbefore described and terminating in the Bryn Goleu reservoir hereinafter described;

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Work No. 4 An impounding reservoir (to be known as the Bryn Goleu reservoir) in the parishes of Rhosllanerchrugog and Esclusham Above formed by an embankment 870 yards or thereabouts in length commencing in the said parish of Rhosllanerchrugog in the enclosure numbered 93 on the 1/2500 Ordnance map (Denbighshire sheet XXXV.1 edition of 1912) and terminating in that parish in the enclosures numbered 38 and 52 on the 1/2500 Ordnance map (Denbighshire sheet XXVIII.13 edition of 1912);

Work No. 4A A diversion of the public road commencing in the said parish of Rhosllanerchrugog at a point 150 yards or thereabouts south of the farm building known as "Bwth" and terminating in the said parish of Esclusham Above by a junction with the public road from Pen-y-cae to Legacy 50 yards or thereabouts west of the farm buildings known as "Ty-mawr";

Work No. 5 A line or lines of pipes in the said parishes of Rhosllanerchrugog and Esclusham Above commencing in the Bryn Goleu reservoir hereinbefore described and terminating in the existing Ty-mawr reservoir of the Company;

Work No. 6 A waste water conduit in the parish of Rhosllanerchrugog commencing by a junction with the aqueduct (Work No. 3) hereinbefore described in the enclosure numbered in the said parish 93 on the 1/2500 Ordnance map (Denbighshire sheet XXXV.1 edition of 1912) and terminating in a stream 50 yards or thereabouts east of the premises known as "Onen-fechan" in the enclosure numbered in the said parish 77 on the said Ordnance map;

Work No. 7 A waste water conduit commencing in the said parish of Rhosllanerchrugog in the Bryn Goleu reservoir hereinbefore described and terminating in the said parish of Esclusham Above in a stream 50 yards or thereabouts east of the premises known as

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“ Onen-fechan ” in the enclosure numbered in that parish 276 on the 1/2500 Ordnance map (Denbighshire sheet No. XXXV.1 edition of 1912); A.D. 1936.

Work No. 8 A service reservoir in the said parish of Esclusham Above to be situate in the enclosures numbered in the said parish 359 to 362 inclusive and 365 and 366 on the 1/2500 Ordnance map (Denbighshire sheet XXVIII.10 edition of 1912);

Work No. 8A A diversion of the public road in the said parish of Esclusham Above commencing by a junction with the public road from Minera to Bersham at a point 80 yards or thereabouts south-east of the premises known as “ Hafod-gwni ” in the enclosures numbered in the said parish 358 and 362 on the 1/2500 Ordnance map (Denbighshire sheet No. XXVIII.10 edition of 1912) and terminating at a point 130 yards or thereabouts south-west of the premises known as “ Wood Cottage ” in the enclosure numbered in the said parish 359 on the said Ordnance map;

Work No. 9 A line or lines of pipes commencing in the parish of Esclusham Above at the Gronwen service reservoir of the Company and terminating in the parish of Rhosllanerchrugog in the public road on the western side of Llanerchrugog Hall.

6. In addition to the new works the Company may upon any lands delineated on the deposited plans make and maintain and alter all such cuts channels catchwaters tunnels headings adits conduits pipes culverts drains sluices washouts bye-washes shafts overflows waste water channels gauges filters works for the treatment of water tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery apparatus and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them or the undertaking or necessary or expedient for augmenting or improving the supply of water but nothing in this section shall exonerate the

Subsidiary works.

A.D. 1936. — Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

7. In the construction of the new works the Company may deviate to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and in the case of the Bryn Goleu reservoir five feet in addition thereto and in the case of the Pant Glas reservoir ten feet in addition thereto and that except for the purpose of crossing over a stream no part of the aqueducts or pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of new works.

8. If the new works are not completed within the period expiring on the first day of October one thousand nine hundred and forty-six then on the expiration of that period the powers by this Act granted for the making and completing of the new works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed :

Provided that the Company may extend enlarge alter reconstruct renew or remove any of the new works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

Works to form part of undertaking.

9. Subject to the provisions of this Act the new works shall for all purposes form part of and be comprised in the undertaking.

Application of Waterworks Clauses Act 1847 to telephones &c.

10. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any telephone or telegraph posts wires conductors or apparatus which the Company may and which

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accordingly they are hereby authorised to construct lay down or erect for the purposes of the undertaking : A.D. 1936.

Provided that the Company shall not under the powers of this section break up or interfere with any street vested in or repairable by the mayor aldermen and burgesses of the borough of Wrexham without the consent in writing of the said mayor aldermen and burgesses which consent shall not be unreasonably withheld :

Provided also that the Company shall not construct lay down erect or maintain any telephone or telegraph posts wires conductors or apparatus in through across or under any street road or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not unreasonably be withheld and shall be deemed to have been given if such company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

11. Any telegraphs telephones posts wires conductors or apparatus or other means of electric communication made maintained constructed laid down or erected under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of Postmaster-General.

32 & 33 Vict. c. 73.

41 & 42 Vict. c. 76.

12.—(1) The Company may stop up—

Stopping up of roads and footpaths.

(a) the public road between the point of commencement in the parish of Rhosllanerchrugog of the road diversion (Work No. 4A) authorised by this Act and the road junction at the farm buildings known as New Buildings in the parish of Esclusham Above; and

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(b) the public road in the parish of Esclusham Above between the road junction situate 100 yards west of the premises known as Hafodgwni and the point of termination of the road diversion (Work No. 8A) authorised by this Act :

Provided that the stopping up of the public roads (a) or (b) above described shall not take place until road diversions (Works Nos. 4A or 8A) (as the case may be) authorised by this Act have respectively been completed to the satisfaction of the road authority and are open for public use or in case of difference between the Company and the road authority until two justices of the county of Denbigh shall have certified that the new roads have respectively been completed to their satisfaction and are open for public use.

Before applying to the court of summary jurisdiction acting for the area in which the roads are situate for the appointment of two justices to view such roads for the purpose of giving such certificate the Company shall give to the road authority of the district in which the existing road is situate twenty-eight days' notice of their intention to apply for it.

(2) As from the completion of road diversions (Works Nos. 4A or 8A) (as the case may be) to the satisfaction of the road authority or as from the date of the said certificate with respect to either of those road diversions all rights of way over and along the existing road which has been so diverted shall be extinguished and the said road diversions authorised by this Act shall be maintained in repair by and at the cost of the Company during the whole period of the construction of all works authorised by this Act necessitating the haulage of materials over such diversions and at the end of such period or periods the diverted road shall be maintained in repair by and at the expense of the road authority.

(3) The Company may also stop up and extinguish all rights of way over any other roads or footpaths in the parishes of Pen-y-cae Rhosllanerchrugog and Esclusham Above as may be situate on any lands acquired by the Company under the powers of this Act and thereupon all rights of way over any such roads

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and footpaths shall be extinguished but no such road or footpath as is referred to in this subsection shall be stopped up until the Company are owners of the lands on both sides thereof except so far as the owners lessees and occupiers of those lands may otherwise agree but the Company shall before any public rights of way shall become extinguished as aforesaid provide other roads in substitution for roads and other footpaths in substitution for footpaths to the reasonable satisfaction of the county council provided that the approval of the county council to any such substituted road or footpath shall not be deemed to impose on the county council any duty of maintenance or repair but such duty or liability shall be on the person company or authority responsible for the maintenance or repair of the road or footpath which has been stopped up Before commencing to stop up or extinguish any such rights of way as aforesaid the Company shall give at least one month's notice of their intention so to do to the county council accompanied by maps plans and details showing such substituted roads and footpaths. A.D. 1936.

(4) The Company may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purpose of the undertaking the sites of any roads and footpaths stopped up under the provisions of this section as far as the same are bounded on both sides by land of the Company and the sites of the roads and footpaths so stopped up shall vest in the Company.

(5) The Company shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section 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.

13. In constructing maintaining repairing altering cleansing emptying testing or examining the works authorised by this Act the Company shall so far as is reasonably practicable prevent the pollution of any stream or watercourse and ensure that any water discharged into any stream or watercourse shall be as free as reasonably practicable from mud or silt or offensive matter and shall do as little damage as may

Prevention
of pollution
of streams
and water-
courses.

A.D. 1936. — be and shall pay compensation to all persons for all damage sustained the amount of compensation to be settled in default of agreement by arbitration.

Power to
acquire
lands.

14.—(1) Subject to the provisions of this Act the Company may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the new works or of the undertaking.

(2) Subject to the provisions of this Act the Company may for the purpose of preventing the contamination and ensuring the purity of any water which can or may be intercepted or taken by them enter upon take and appropriate the following lands delineated on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of or in connection with the undertaking :—

The lands in the rural district of Wrexham in the county of Denbigh numbered as follows on the deposited plans and described in the deposited book of reference :—

(1) in the parish of Pen-y-cae Nos. 1 1A 1B and 2 to 11 inclusive: and

(2) in the parish of Rhosllanerchrugog Nos. 1 2 19 19A 20 21 21A 22 31 33 to 36 36A and 37 to 46 inclusive.

Correction
of errors in
deposited
plans and
book of
reference.

15. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited

with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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16. Subject to the provisions of this Act the Company may collect impound take use divert and appropriate for the purposes of the undertaking the waters of the Nant-y-crogfrin Brook and all such streams springs and waters as shall or may be intercepted by means of any of the new works :

Power to
take
waters.

Provided that the Company shall not appropriate the waters as aforesaid until they shall have constructed and brought into use the Pant Glas reservoir in accordance with the requirements of this Act.

17.—(1) The agreement set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to the under-mentioned modifications and to such other modifications (if any) as may be agreed between the said parties in writing Provided that nothing in this section or in the said agreement or in any such agreed modification thereof shall confer any right or rights on any of the parties thereto as against any person who is not a party thereto or shall be deemed to confer any powers on any of such parties thereto but this proviso shall not prejudice or restrict any existing rights or powers of the parties thereto.

Confirma-
tion of
scheduled
agreement.

(2) The said modifications are—

In clause 2 leave out the words “all the waters of the Nant-y-crogfrin Brook and its tributaries” and insert “so much of the waters of the Nant-y-crogfrin Brook and its tributaries as they are authorised to appropriate” and in clause 3 leave out the words “all the waters” and insert “so much of the waters as they are authorised to appropriate.”

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Compensation water.

18.—(1) The Pant Glas reservoir shall be constructed of a capacity of not less than ten million gallons.

(2) After the construction and bringing into use of the Pant Glas reservoir the Company shall during every day of twenty-four hours discharge or deliver into the Nant-y-crogfrin Brook at a point therein situate not more than two hundred yards below the foot of the embankment of the said reservoir not less than seventy thousand gallons of water in a continuous flow.

(3) After the construction and bringing into use of the catchwater (Work No. 1) authorised by this Act the Company shall during every day of twenty-four hours discharge or deliver into the said brook at the said point a further quantity of not less than twenty-eight thousand gallons of water in a continuous flow making in the aggregate ninety-eight thousand gallons of water.

(4) For the purpose of measuring the quantity of water to be so discharged or delivered into the said brook the Company shall construct and maintain at a point in the said brook below the said reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable gauge for automatically recording depth over or through which the said compensation water shall flow and by means of which the rate of discharge of the said compensation water shall be measured and recorded and the same shall be open to the inspection and examination of all persons (including the county council) interested therein.

(5) In case of any neglect on the part of the Company to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Company shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (including the county council and the board of conservators of the River Dee Fishery District) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(6) If any difference arises between the Company and any person so interested with respect to the construction or use of any gauge or the state of repair or

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condition thereof such difference shall be referred to the arbitration of an engineer to be nominated unless otherwise agreed on the application of either of them by the Minister of Agriculture and Fisheries. A.D. 1936.

(7) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Nant-y-crogfrin Brook and its tributaries and from the portion of the gathering ground of the Trefechan Brook which the Company can divert collect impound or appropriate by means of the Pant Glas reservoir.

19.—(1) Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated herewith the Company shall not be required to purchase or take the lands within the limits of deviation shown upon the deposited plans of Works Nos. 1 3 and 9 authorised by this Act or any part of the surface of such lands but they may purchase and take and the owners of and other persons interested therein shall sell such easements and rights in and under the said lands or any part thereof other than lands forming part of a street or road as they may require for making and maintaining the said Works Nos. 1 3 and 9. Power to acquire easements compulsorily in certain cases.

(2) The Company may give notice to treat in respect of any such easements and rights as aforesaid describing the nature thereof and subject to the foregoing provisions of this section and to the other provisions of this Act the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if they were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

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

A.D. 1936. shall apply to and in respect to the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

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

Period for compulsory purchase of lands and easements.

21. The powers granted by this Act for the compulsory purchase of lands and easements shall cease on the first day of October one thousand nine hundred and thirty-nine :

Provided that if the Company require to purchase an easement only for making the catchwater (Work No. 1) or the line of pipes (Work No. 9) or any part thereof authorised by this Act the period limited by this section shall be extended to the first day of October one thousand nine hundred and forty-one.

Power to retain sell &c. lands.

22.—(1) Notwithstanding anything in the Lands Clauses Acts the Company 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 carrying into effect 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 belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and

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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. A.D. 1936.

(2) Nothing in this section contained shall release the Company or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Company or any person from or through whom the Company may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

(3) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to the Company.

23. 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to certain persons to grant easements &c. by agreement.

24.—(1) If in the opinion of the Company it shall be expedient in order to preserve the purity of the waters which they are by this Act authorised to take to prohibit the washing of sheep (with or without the use of chemicals) in any such waters the Company shall have power to prohibit such washing of sheep: Sheep-washing.

Provided that before the Company carry this provision into effect in respect of any place where

A.D. 1936. — it has been the practice to wash sheep they shall give to the owners of such washing place and to the clerk of the county council and of the local sanitary authority not less than three months' previous notice in writing and to persons customarily using such washing place notice by advertisement in two successive issues of a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable washing place and also a suitable folding place in the immediate vicinity thereof to the satisfaction of the county council :

Provided also that no such notice shall be issued to take effect during any period within which any dipping order of the Minister of Agriculture and Fisheries shall be in force in the area in which such washing place is situate.

(2) The county council and any person aggrieved by any prohibition issued by the Company under this section may within three months after the issue thereof appeal to a court of summary jurisdiction provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Company.

(3) In the event of any such appeal the court shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

For protec-
tion of
Denbigh
County
Council.

25. For the protection of the county council the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Company and the county council apply and have effect with respect to the execution of the new works or of any works under the section of this Act of which the marginal note is "Subsidiary works" (that is to say) :—

(1) In this section—

"Road" means any road for the time being vested in or repairable by the county

council which the Company are authorised to break up or interfere with under this Act and any embankment retaining walls or other works connected therewith and vested in the county council; A.D. 1936.

“ Bridge ” means any county bridge or any bridge carrying a road or flood arch or culvert vested in or repairable by the county council and includes the road over the bridge and the approaches thereto respectively;

“ Surveyor ” means the surveyor of the county council:

(2) All works shall be so executed as not to stop up or unreasonably impede or interfere with the traffic on any road and all such works shall be proceeded with and completed with all reasonable dispatch after the commencement thereof:

(3) (a) The Company shall construct the road diversions (Works Nos. 4A and 8A) by this Act authorised to a width between fences of not less than twenty-seven feet six inches and twenty-five feet six inches respectively and the carriageway shall be centrally disposed between grass verges and shall be of a width not less than that of the carriageway of the road to be stopped up. The northern corner at the junction of the said road diversion (Work No. 4A) with the existing road and the two corners of the said diversion (Work No. 8A) at the junction with the Minera-Legacy road shall be rounded off to the reasonable satisfaction of the surveyor. The Company shall maintain the said road diversions in good repair during the period of construction of the Bryn Goleu reservoir and the service reservoir (Work No. 8) authorised by this Act as the case may be and for one year after the completion of such works;

(b) The line or lines of pipes (Work No. 5) by this Act authorised shall be laid across the

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—

diversion (Work No. 4A) at a depth of not less than three feet below the road surface measured from the top of the pipe;

(c) If the Company shall construct the waste water conduits (Works Nos. 6 and 7) by this Act authorised so as to discharge into the stream east of the road from Pen-y-cae to Legacy the point of discharge shall be situate at a distance of not less than fifteen yards from the east side of that road or if the Company shall construct the said waste water conduits so as to discharge into the said stream on the west side of the road the Company shall construct a culvert under the said road to the reasonable satisfaction of the surveyor and restore the road surface to the like satisfaction :

- (4) If at any time the Company shall not desire to retain any lands or hereditaments they may have purchased from the county council they shall first offer them for sale to the county council and the county council shall have the right to repurchase them or any of them at the same price as they were sold to the Company :
- (5) All works by this Act authorised affecting any public footpath shall be executed to the reasonable satisfaction of the surveyor :
- (6) (a) Before commencing the haulage of materials and things for the execution of the works by this Act authorised on or over any roads the Company shall give notice in writing to the surveyor of the route along which such haulage is to take place and as far as may be reasonably practicable shall comply with his directions in respect thereof;

(b) Immediately on receipt of such notice the roads to be affected shall be inspected by a surveyor jointly appointed by the county council and the Company or in case of disagreement by two surveyors one appointed by the Company and one by the county council and an umpire appointed by such surveyors

and a report shall be prepared by such surveyor or surveyors and umpire as the case may be as to the condition of the said roads and such report shall be conclusive evidence of the then condition of such roads;

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(c) On completion of the haulage the Company shall pay to the county council the reasonable cost of maintaining the said roads during the said haulage and of making them good on completion over and above the average annual cost of maintenance of the particular roads for the previous three years but any extraordinary expense incurred by the county council for resurfacing or improvement on such roads during the said period shall be excluded :

- (7) The reasonable expenses of the county council in relation to any such superintendence by the surveyor as is referred to in this section shall be paid by the Company :
- (8) Any difference which shall arise between the county council and the Company under the foregoing provisions of this section shall be referred to and determined by an arbitrator.

PART III.

SUPPLY OF WATER &C.

26.—(1) The limits within which the Company may supply water shall extend to and include in addition to the existing limits the area described in the Third Schedule to this Act.

Extension
of limits of
supply.

(2) As on and from the date of the passing of this Act the said area shall cease to form part of the limits for the supply of water by the Ruabon Water Company authorised by the Ruabon Water Act 1870.

33 & 34 Vict.
c. lvii.

(3) The provisions of the existing Acts and this Act shall so far as applicable and except where otherwise therein or hereinafter expressly provided apply and have effect throughout the limits of supply.

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Reduction
of limits of
supply and
transfer of
area to
Ruabon
Water
Company.

27.—(1) As on and from the date of the passing of this Act the undermentioned portions of the parishes of Esclusham Below and Ruabon (in this section referred to as “the transferred area”) shall cease to form part of the limits of supply but notwithstanding anything in this section the Company shall have and may exercise within the transferred area the like powers with respect to the breaking up of streets for the purpose of laying maintaining removing and renewing pipes required for supplying water outside the transferred area as they would have if the transferred area were included within the limits of supply.

(2) As on and from the said date the transferred area shall be deemed to be included in the limits for the supply of water by the Ruabon Water Company authorised by the Ruabon Water Act 1870 and the provisions of the said Act shall so far as applicable apply and have effect in the transferred area.

(3) The transferred area is as follows:—

County of Denbigh—

In the rural district of Wrexham—

So much of the parish of Esclusham Below as lies to the south of an imaginary line commencing at a point on the parish boundary at the farm buildings known as Bryn-yr-Owen thence proceeding in a south-easterly direction to the Bench Mark 408.6 thence to a point on the Great Western Railway (Shrewsbury and Chester line) 300 yards or thereabouts west of the farm buildings known as Hafod-y-bwch thence in an easterly direction to a point on the parish boundary 470 yards or thereabouts north north-west of the farm buildings known as Middle Sontley ;

So much of the parish of Ruabon as did not immediately prior to the passing of this Act form part of the limits of supply of the Ruabon Water Company.

As to streets
and roads
forming
boundary
of limits of
supply.

28. Where the limits of supply are bounded by or abut upon any street or road outside such limits the Company may for the purpose of supplying water to the owner or occupier of any premises within such

limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits and be subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the limits of supply :

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—

Provided that nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises outside the limits of supply.

29.—(1) The Company shall not be bound to supply with water otherwise than by meter—

Supply to
certain
premises.

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any public institution mental or other hospital (whether public or private) or any nursing home sanatorium school club hotel public-house restaurant or inn; or
- (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rates for the time being in force.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth

A.D. 1936. — of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross value.

(4) Nothing in this section shall apply to any public institution hospital nursing home sanatorium or school under the jurisdiction of any county council or borough council in the limits of supply.

Charges for supplies for refrigerating apparatus &c.

30.—(1) Where a person who takes a supply of water for domestic purposes from the Company otherwise than by measure desires to use any of the water so supplied for—

- (a) a water-cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleansing regenerating motive power or similar purposes;

the Company may if they think fit require that all water so used shall—

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

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

Injuring meters.

31.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe or any meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall

(without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recoverable in the like manner as water rates are recoverable by the Company.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

32. If a justice is satisfied on complaint by any collector of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such persons until the complaint is determined upon the return of the summons.

Recovery
of rates
from
persons
removing.

A.D. 1936.

—
As to gross
value of two
or more
houses in
one occu-
pation.

33. Where two or more houses or buildings or parts of a house or building or of 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 Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a gross value equal to the aggregate of the gross values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Extension
of power
to inspect
premises.

34. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hour of four 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 under the said section or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

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

PART IV.

FINANCIAL PROVISIONS.

Additional
capital.

35. In addition to the capital already authorised to be raised by the Company they may from time to time raise additional capital not exceeding in the whole seventy-five thousand pounds by the creation and issue of new ordinary stock or new preference stock or wholly or partially by one or more of those modes respectively :

Provided that the Company shall not under the powers of this Act create and issue any greater nominal amount of capital than shall after taking into account

[26 GEO. 5. & *Wrexham and East* [Ch. cvii.]
1 EDW. 8.] *Denbighshire Water Act, 1936.*

the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the said sum of seventy-five thousand pounds. A.D. 1936.

36. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole three-fourths of the amount which at the time of borrowing has been actually paid up (including premiums) on any ordinary and preference stock but no sum shall be borrowed in respect of any capital so issued until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up: Power to borrow.

Provided that the Company shall not without the consent of the Minister pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage under the powers of this Act.

37. The following sections of the Order of 1933 shall extend and apply to the powers and provisions of this Act as if those sections were re-enacted in this Act with any necessary modifications:— Application of certain sections of Order of 1933.

Section 22 (New stock to be subject to same incidents as existing stock);

Section 23 (Limit of dividend on additional capital);

Section 25 (Provisions as to sale of stock and payment of commissions);

Section 28 (Debenture stock);

Section 29 (Priority of existing mortgages).

38. All moneys raised or to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of the existing Acts and this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Priority of mortgages over other debts.

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— Provided that this priority shall not affect any claim against the Company or their property in respect of—

- (a) any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts;
- (b) any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock; or
- (c) land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Redeemable
preference
and
debenture
stock.

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

“stock” means and includes preference 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 Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act:

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 Company.

(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 Company may create new stock or the directors

[26 GEO. 5. & *Wrexham and East* [Ch. cvii.]
1 EDW. 8.] *Denbighshire Water Act, 1936.*

may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit: A.D. 1936.

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 Company 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
- (b) during such interval as aforesaid the amount raised by means of any preference 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 Company.

(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 Company 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 Company 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

A.D. 1936. — 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 Company 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 Company 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 stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 21 (Sale of shares or stock by auction or tender) of the Order of 1933.

(8) Subject to the terms of any resolution creating any redeemable preference or debenture stock heretofore issued by the Company the provisions of this section shall so far as applicable extend and apply to the redemption of any such stock or any part thereof and to the issue of stock for paying off or redeeming the same or of providing stock to be substituted therefor.

Application
of moneys.

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

Appoint
ment of
receiver.

41. Section 31 (Appointment of receiver) of the Order of 1933 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees

by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1936.

42. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company. Company not bound to regard trusts.

PART V.

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS.

43. The provisions of section 21 (For protection of Cheshire County Council) of the *Wrexham and East Denbighshire Water Act 1921* shall with any necessary modifications extend and apply for the protection of the Cheshire County Council in relation to the exercise of the powers of the sections of this Act of which the marginal notes are respectively "Application of Waterworks Clauses Act 1847 to telephones &c." and "As to streets and roads forming boundary of limits of supply" so far as they affect any county road or county bridge or the approaches thereto as if such provisions had been re-enacted in this Act. For protection of Cheshire County Council.

44.—(1) Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each stockholder instead of by public advertisement: Notice of meetings.

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each stockholder prepaid and posted not later than seven clear days before the date of the meeting.

(2) In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

A.D. 1936.

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

45.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the board of directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

(2) In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of stock for at least three months prior to his election.

As to
register of
share-
holders.

46. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845—

(a) the Company may substitute for the register of shareholders and the register of holders of consolidated stock a loose leaf register of a type to be approved by the auditors of the Company and any register so approved shall be deemed to be a book for the purposes of the said Act; and

(b) it shall not be obligatory upon the Company to authenticate by the affixing of their common seal or otherwise any such register.

Indemnity
before issue
of sub-
stituted
certificates
&c.

47. Notwithstanding anything contained in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new mortgage or bond or a new certificate of any stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any mortgage bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such

new mortgage bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed mortgage bond certificate or warrant or the mortgage bond stock debenture stock dividend or interest represented thereby. A.D. 1936.

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

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

(2) The directors may also make such payments as they think fit to any superannuation fund formed for the benefit of the employees.

(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 as aforesaid such gratuities pensions superannuation allowances or payments as are by this section authorised to be granted or made.

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

A.D. 1936.

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

(6) In this section the word "employee" includes any officer or servant.

Super-
annuation
scheme.

50.—(1) The Company may establish and carry into effect and from time to time modify alter or rescind a scheme for the provision of superannuation allowances for employees and may by any such scheme provide for the making of contributions by the Company and by employees to the superannuation fund formed under any such scheme and for the investment of moneys forming part of such fund and the accumulation of interest or dividends on such investments by way of compound interest:

Provided that no modification alteration or rescission of any such scheme shall without his consent place any employee who at the date of such modification alteration or rescission is a contributor to the fund or entitled under such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.

17 & 18
Geo. 5.
c. 41.

(2) No superannuation fund established under this section shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

(3) The Company may apply their revenues for the purposes of this section.

(4) In this section the word "employee" includes any officer or servant.

Arbitra-
tion.

51. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

[26 GEO. 5. & *Wrexham and East* [Ch. cvii.]
1 EDW. 8.] *Denbighshire Water Act, 1936.*

52. The following enactments are hereby repealed:— A.D. 1936.

The Wrexham Waterworks Act 1864—

Repeal.

Section 36 (Restrictions may be imposed upon the sale of superfluous property);

Section 39 (Penalty for injury to and fraudulent use of meters).

The Wrexham Waterworks Act 1874—

37 & 38 Vict.
c. lvii.

Section 6 (Company may break up roads but may not supply water within township of Esclusham Above);

Section 32 (Company not bound to supply water in certain cases).

The Wrexham Waterworks Act 1902—

2 Edw. 7.
c. ix.

Section 26 (Sale of superfluous lands).

The Wrexham and East Denbighshire Water Act 1921—

11 & 12
Geo. 5.
c. xxx.

Section 52 (Issue of redeemable preference capital and debenture stock);

Section 54 (Power to make superannuation and other allowances).

The Order of 1933—

Section 10 (Charges for supplies for refrigerating apparatus &c.).

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

A.D. 1936.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

STATEMENT OF CAPITAL AUTHORISED BY COMPANY'S
ACTS AND ORDERS.

Authority.	Description of capital.	Maximum dividend.	Amount paid up.	Amount un-issued.	Amount authorised.	
The existing Acts.	Consolidated stock	10%	£ 21,000	£ —	£ 21,000	
	Ordinary stock	7%	90,500	—	90,500	
	4½% consolidated preference stock.	6%	66,330	—	66,330	
	5½% preference stock	5½%	13,000	7,000	20,000	
	Premiums	—	11,170	—	11,170	
	New ordinary stock or new preference stock.	—	—	10,000	10,000	
				202,000	17,000	219,000
		Loan capital.	Rate of interest.			
		Loans	Various	74,700	19,500	94,200
		Debenture stock	3%	15,300	—	15,300
			90,000	19,500	109,500	

SECOND SCHEDULE.

A.D. 1936.

AN AGREEMENT made this sixth day of April 1936 between the WREXHAM AND EAST DENBIGHSHIRE WATER COMPANY (hereinafter referred to as "the Wrexham Company" which expression shall where the context so admits include their successors and assigns) of the first part the RUABON WATER COMPANY (hereinafter referred to as "the Ruabon Company" which expression shall where the context so admits include their successors and assigns) of the second part and the RUABON RESERVOIR COMPANY LIMITED (hereinafter referred to as "the Reservoir Company" which expression shall where the context so admits include their successors and assigns) of the third part :

WHEREAS :—

- (i) By the Wrexham Waterworks Act 1864 and subsequent Acts the Wrexham Company are authorised to collect and impound the waters of the Pentrebychan Brook and have constructed divers reservoirs for this purpose;
- (ii) By the Ruabon Water Act 1870 the Ruabon Company are authorised to take and divert the waters of the Trefechan Brook and the Nant-y-crogfrin Brook and collect such waters in a reservoir across the Trefechan Brook and have constructed the said reservoir and an intake weir on the Nant-y-crogfrin Brook together with a six-inch line of pipes to convey the waters of that brook into the gathering ground of the Trefechan Brook;
- (iii) The Reservoir Company have by arrangement with the Ruabon Company constructed a reservoir for the purpose of providing additional accommodation for the storage of water for the use of the Ruabon Company and such reservoir and the said reservoir of the Ruabon Company are hereinafter collectively referred to as "the existing reservoirs";
- (iv) The gathering ground of the Pentrebychan Brook adjoins that of the Nant-y-crogfrin Brook and the latter adjoins that of the Trefechan Brook;
- (v) The Wrexham Company are desirous of obtaining further supplies of water for the purposes of their

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undertaking from the gathering grounds of the Nant-y-crogfrin and the Trefechan Brooks and are promoting a Bill in Parliament for powers to construct new waterworks for the purpose of collecting part of the waters from such gathering grounds;

- (vi) Certain portions of the limits of supply of the Wrexham Company could be more conveniently supplied with water by the Ruabon Company and certain portions of the limits of supply of the Ruabon Company could be more conveniently supplied with water by the Wrexham Company and it would be advantageous to the interests of the two companies and to the inhabitants of the said areas that such areas should be exchanged;
- (vii) The Ruabon Company and the Reservoir Company have agreed to refrain from opposition to the said Bill in consideration of the Wrexham Company entering into this agreement:

Now it is hereby agreed and declared as follows:—

1. The Ruabon Company and the Reservoir Company shall not oppose the said Bill except so far as may be necessary for the purpose of ensuring that the provisions of such Bill are not inconsistent with the terms of this agreement.

2. Neither the Ruabon Company nor the Reservoir Company will do anything to prevent the Wrexham Company from appropriating all the waters of the Nant-y-crogfrin Brook and its tributaries:

Provided that there shall be reserved to the Ruabon Company all existing rights without any interference from the Wrexham Company to continue to take divert and collect water from the said Nant-y-crogfrin Brook into the gathering ground of the Trefechan Brook by means of the Ruabon Company's existing intake weir and six-inch pipe line or any substituted intake weir of no greater height or any substituted pipe line of no greater length or diameter during such time or times as the quantity of water flowing down the channel of the existing bye-wash of the lower of the existing reservoirs does not exceed the rate of 10,000 gallons per day.

3. Neither the Ruabon Company nor the Reservoir Company will do anything to prevent the Wrexham Company from appropriating all the waters from a portion of the gathering ground of the Trefechan Brook not exceeding 400 acres in area intercepted by means of a proposed catchwater with intakes described in the said Bill as "Work No. 1" which area is shown on an Ordnance map deposited at the office of the Ministry of Health pursuant to Standing Order 29 of the House of Lords and

[26 GEO. 5. & *Wrexham and East* [Ch. cvii.]
1 EDW. 8.] *Denbighshire Water Act, 1936.*

by the colour red on a map Nod. 1 signed by Edward Wilson Dixon on behalf of the Wrexham Company and by Albert Wynn on behalf of the Ruabon Company : A.D. 1936.
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Provided that such water shall be appropriated by the Wrexham Company at such periods only as the quantity of water flowing down the channel of the existing bye-wash of the lower of the existing reservoirs is in excess of the rate of 10,000 gallons per day but this proviso shall cease to have effect if the capacities of the existing reservoirs or either of them are hereafter increased or any additional reservoir is constructed otherwise than by or on behalf of the Wrexham Company for impounding the waters of the Trefechan Brook.

4.—(i) Before the completion and bringing into use by the Wrexham Company of the Pant Glas reservoir described in the said Bill as "Work No. 2" the Ruabon Company shall at their own expense erect to the reasonable satisfaction of the engineer of the Wrexham Company and thereafter maintain in a state of efficiency in the said channel of the existing bye-wash of the lower of the existing reservoirs at a point below the overflow of such reservoir a suitable gauge with an automatic recorder for the purpose of ascertaining and recording when water is passing down the said channel in excess of the rate of 10,000 gallons per day into the said Trefechan Brook.

(ii) The Ruabon Company shall with reasonable dispatch notify the Wrexham Company whenever a flow of water down the said channel in excess of the rate of 10,000 gallons per day commences or ceases.

(iii) The said gauge and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the Wrexham Company or their duly accredited representatives who may if they so desire take copies of such records.

(iv) Before the completion of the catchwater described in the Bill as "Work No. 1" the Wrexham Company shall at their own expense erect to the reasonable satisfaction of the engineer of the Ruabon Company and thereafter maintain in a state of efficiency at a point in the said catchwater to be agreed by the respective engineers of the Wrexham Company and the Ruabon Company a suitable gauge with an automatic recorder for the purpose of ascertaining and recording when water is being intercepted by the said Work No. 1.

(v) The said gauge and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the Ruabon Company or their duly accredited representatives who may if they so desire take copies of such records.

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5. The Ruabon Company shall continue to be responsible for the provision of a supply of water to all farms and other premises to which a supply of water is at the date hereof afforded from their said intake on the Nant-y-crogfrin Brook.

6. The Ruabon Company agree to allow a connection to be made to their six-inch pipe line at a convenient point in the vicinity of Pant Glas for the supply of water for sheep-washing.

7. If the Ruabon Company shall be desirous of obtaining a supply of water in bulk from the Wrexham Company the Ruabon Company shall give not less than twelve months' notice of such desire before the expiration of the powers of the Wrexham Company under the Bill for the compulsory acquisition of easements for the line of pipes described in the Bill as "Work No. 9" and thereupon after the construction and bringing into use of the Bryn Goleu reservoir described in the Bill as "Work No. 4" the Wrexham Company shall on the receipt of reasonable notice in writing from the Ruabon Company afford to the Ruabon Company for the purposes of their undertaking (unless absolutely prevented by frost unusual drought or other unavoidable cause or accident) a supply of filtered water in bulk from the works of the Wrexham Company at Gronwen not exceeding one hundred thousand gallons in any one day and not exceeding twenty million gallons in any year at the termination on the western side of Llanerchrugog Hall of the line of pipes described in the Bill as "Work No. 9" and upon such terms and conditions as may be agreed or failing agreement determined by arbitration as hereinafter provided but at a price not exceeding 1s. 6d. per 1000 gallons :

Provided that if the Ruabon Company shall give notice of their desire to obtain a supply of water and thereafter fail to enter into an agreement for such supply the Wrexham Company shall be entitled to recover from the Ruabon Company all the expenditure reasonably incurred by the Wrexham Company in connection with the acquisition of lands or easements and the laying of pipes for the purposes of giving such supply.

8. The quantity of water consumed by the Ruabon Company under the last preceding clause of this agreement shall be measured by a meter provided and efficiently maintained by the Wrexham Company at the point of termination of the line of pipes described in the Bill as "Work No. 9" and the provisions of section 15 (As to register of meters) of the Wrexham and East Denbighshire Water Order 1933 shall apply to such meter and such meter shall be open at all reasonable times to the inspection and examination of the Ruabon Company and their accredited agents.

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9. All payments for water to be supplied by the Wrexham Company to the Ruabon Company as provided by clause 7 hereof shall become due quarterly on the first day of April the first day of July the first day of October and the first day of January in each year in respect of water supplied during the previous quarter and shall be paid within twenty-eight days of becoming due and in this respect the quarter shall be deemed to be the period of three calendar months ending on the last day of the month immediately preceding the date upon which the payment becomes due. A.D. 1936.

10. The area referred to in clause 23 (Extension of limits of supply) of and the Second Schedule to the Bill (which area is coloured brown on a map Nod. 2 signed by Edward Wilson Dixon on behalf of the Wrexham Company and by Albert Wynn on behalf of the Ruabon Company) shall be transferred from the limits of supply of the Ruabon Company to the limits of supply of the Wrexham Company and the area described in clause 24 (Reduction of limits of supply and transfer of area to Ruabon Water Company) of the Bill (which area is coloured green on the said map Nod. 2) shall be transferred from the limits of supply of the Wrexham Company to the limits of supply of the Ruabon Company :

Provided that the Wrexham Company shall be entitled to reserve the right in the area described in the said clause 24 to lay water mains for the purpose of conveying water from one part of their said limits to another.

11. Any question arising under this agreement shall be referred to an arbitrator to be appointed failing agreement on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference.

12. This agreement shall be scheduled to and confirmed by the Bill and is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any alteration therein which either the Wrexham Company or the Ruabon Company think material or in the event of the Bill not obtaining the royal assent in a form which confirms this agreement either party may withdraw from the agreement.

13. In the event of either party withdrawing from this agreement the Wrexham Company shall subject to the approval of Parliament and to the Ruabon Company refraining from opposing the Bill insert in the Bill provision to give effect to clauses 2 and 3 hereof.

A.D. 1936,

In witness whereof the parties hereto have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the WREXHAM AND
EAST DENBIGHSHIRE WATER COMPANY }
was hereunto affixed in the presence of }

L.S.

JOHN E. H. DAVIES }
RD. WILLIAMS } Directors.

J. A. DAVIES Secretary.

The common seal of the RUABON WATER
COMPANY was hereunto affixed in the }
presence of }

L.S.

H. DYKE DENNIS }
N. MILNE HARROP } Directors.

R. WOODFORD Secretary.

The common seal of the RUABON RESER-
VOIR COMPANY LIMITED was hereunto }
affixed in the presence of }

L.S.

H. DYKE DENNIS }
N. MILNE HARROP } Directors.

R. WOODFORD Secretary.

THIRD SCHEDULE.

EXTENDED LIMITS OF SUPPLY.

County of Denbigh—

In the rural district of Wrexham—

So much of the parish of Esclusham Above forming part of the limits of supply under the Ruabon Water Act 1870 as lies to the north of an imaginary line commencing at a point on the parish boundary 400 yards or thereabouts north-west of the bridge carrying the road from Llanerchrugog Hall to Rhosllanerchrugog over the Great Western Railway (Rhos branch) thence proceeding in an easterly direction to the railway

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thence in a north-easterly direction to the western corner of Big Wood thence along the northern boundary of the said wood thence in a north-easterly direction and terminating at a point on the parish boundary at the farm buildings known as Bryn-yr-Owen;

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So much of the parish of Rhosllanerchrugog as lies to the north of an imaginary line commencing at a point on the parish boundary 300 yards or thereabouts south-west of the farm buildings known as Onen-fawr thence proceeding in an easterly direction to the road junction 150 yards or thereabouts south of the said farm buildings thence along the north side of the road leading therefrom to the property known as Llanerchrugog Hall thence along the north side of the said property to a point on the parish boundary 400 yards or thereabouts north-west of the bridge carrying the road from Llanerchrugog Hall to Rhosllanerchrugog over the Great Western Railway (Rhos branch);

So much of the parish of Ruabon as lies to the east and north of an imaginary line commencing at a point on the parish boundary 550 yards or thereabouts north-east of Black Brook Bridge thence proceeding in a southerly direction for a distance of 250 yards or thereabouts thence in an easterly direction to a point on the parish boundary at or near Bench Mark 257.2.

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