



CHAPTER li.

An Act to extend the limits of supply of the West Hampshire Water Company to confirm the construction of an existing service reservoir to authorise the Company to raise additional money to confer further powers upon the Company and for other purposes. [10th July 1935.]

A.D. 1935.

WHEREAS the West Hampshire Water Company (in this Act called "the Company") were incorporated by the West Hampshire Water Act 1893 (in this Act referred to as "the Act of 1893") and are by the West Hampshire Water Acts and Order 1893 to 1926 empowered to supply water within the limits and to the extent mentioned in the said Acts and Order:

And whereas it is expedient that the limits within which the Company may supply water should be further extended:

And whereas it is expedient that the construction of a certain service reservoir by the Company should be confirmed:

And whereas a statement showing the capital of the Company and the amounts authorised to be raised raised and remaining to be raised by them on mortgage or by the creation and issue of debenture stock is set forth in the First Schedule to this Act:

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

[Ch. li.] *West Hampshire Water* [25 & 26 GEO. 5.]
Act, 1935.

A.D. 1935. Act and of their undertaking and that such other financial provisions should be made as are in this Act contained :

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

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.—(1) This Act may be cited as the West Hampshire Water Act 1935.

(2) The West Hampshire Water Acts and Order 1893 to 1926 and this Act may be cited together as the West Hampshire Water Acts and Order 1893 to 1935.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Extension of limits of supply &c.

Part III.—Works and lands.

Part IV.—Financial provisions &c.

Part V.—Administrative provisions.

Part VI.—Supply of water &c.

Part VII.—Miscellaneous provisions.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the West Hampshire Water Acts and Order 1893 to 1935) are hereby incorporated with this Act (namely) :—

(1) 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 first-mentioned Act :

A.D. 1935.
—

Provided that in the application to the Company of the Waterworks Clauses Act 1847 section 76 of that Act shall be read as if the words "investments in which trustees are authorised by law to invest" were substituted for the words "government or other securities" and the word "investments" were substituted for the word "securities" wherever that word occurs elsewhere in the said section :

- (2) The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands :
- (3) The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital :
- (4) 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 :

Provided that in the application to the Company of the said Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words "and to the same amount as" were omitted therefrom.

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

And in this Act—

"The Company" means the West Hampshire Water Company;

"The Act of 1893" means the West Hampshire Water Act 1893;

A.D. 1935.

“ The Act of 1926 ” means the West Hampshire Water Act 1926 ;

“ The existing limits of supply ” means the area within which the Company are by the West Hampshire Water Acts and Order 1893 to 1926 authorised to supply water ;

“ The added limits of supply ” means the areas added by this Act to the existing limits of supply ;

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

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

“ The directors ” means the directors of the Company ;

“ Employee ” means any workman servant or officer of the Company but does not include a director other than a managing director and a director appointed under the section of this Act of which the marginal note is “ Appointment of officers as directors. ”

PART II.

EXTENSION OF LIMITS OF SUPPLY &C.

Extension
of limits
of supply.

5.—(1) The limits within which the Company may supply water and exercise the powers conferred upon them by the West Hampshire Water Acts and Order 1893 to 1935 shall extend to and include in addition to the existing limits of supply the parishes of Breamore Damerham Ellingham Fordingbridge Hale Harbridge and Ibsley Martin Rockbourne Whitsbury and Woodgreen in the rural district of Ringwood and Fordingbridge and county of Southampton and the parishes of Downton and Redlynch in the rural district of Salisbury and Wilton and county of Wilts. •

(2) Subject to the provisions of this Act the Company within the added limits of supply shall have and may exercise all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they have and are subject to within the existing limits of supply.

6. If after the expiration of five years from the passing of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of the West Hampshire Water Acts and Order 1893 to 1935 in any parish or part of a parish within the added limits of supply the local authority of the district comprising such parish or part of a parish may provide a supply in such parish or part of a parish in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purposes of providing such a supply and for the repeal of the powers of the Company in that behalf.

A.D. 1935.

—
Local authority &c. may supply if Company do not.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any parish or part of a parish such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

PART III.

WORKS AND LANDS.

7. The construction by the Company of the reservoir hereinafter in this section described is hereby confirmed and the Company may maintain and from time to time alter improve enlarge extend renew reconstruct or discontinue the same.

Confirming construction of reservoir.

The reservoir hereinbefore referred to is situate in the county of Southampton and is—

A service reservoir in the parish of Ringwood and rural district of Ringwood and Fordingbridge on lands comprising one and a half acres or thereabouts being part of the enclosure numbered 858 in that parish on the 1/2500 scale Ordnance map (edition 1909) Hampshire sheet LXXI.9.

8. In addition to any lands which the Company are by any other provisions of the West Hampshire Water Acts and Order 1893 to 1935 authorised to acquire

Acquisition of lands by agreement.

A.D. 1935.

the Company may by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking further lands (not exceeding in the whole seventy-five acres) or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Company may deem necessary for those purposes Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for employees and such buildings as are required for or connected with or incident to the purposes of the undertaking.

Dwelling-
houses for
employees.

9. The Company may purchase or take on lease and maintain dwelling-houses for employees and may erect maintain and let dwelling-houses for and to employees upon any land for the time being belonging to the Company for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Company for the purposes of the undertaking.

Recreation
ground for
employees.

10. The Company may adapt any land purchased or taken on lease by them under the authority of any Act or Order for the time being relating to the Company for the purpose of a recreation ground for employees and may upon such land erect construct and maintain dressing rooms and other buildings and conveniences necessary or appropriate for its use as a recreation ground.

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

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

12. Where under the powers of the West Hampshire Water Acts and Order 1893 to 1935 the Company have acquired or shall acquire any easement or right in under or through any lands for the construction of any pipe or other similar work the Company may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such pipe or other similar work.

A.D. 1935.

—
Power to purchase lands already subject to easements.

13. Notwithstanding anything in this or any other Act to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of to such person in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired or authorised to be held by them under the authority of any Act or Order for the time being relating to the Company and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Retention and disposal of lands.

14. 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 within the limits of supply of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to lay down or erect for the purposes of the undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the

Application of Waterworks Clauses Act 1847 to telephones.

A.D. 1935. Postmaster-General or with telegraphic communication
— by means of any such line :

Provided also that nothing in this section shall authorise the breaking up of any street repairable by any railway company without the consent of such company which consent shall not be unreasonably withheld.

PART IV.

FINANCIAL PROVISIONS &C.

Additional capital.

15. The Company may from time to time raise additional capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue or re-issue thereof an amount not exceeding in the whole two hundred 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.

Limit of profit on additional capital.

16. The Company shall not in any one year pay out of their profits any larger dividend on any additional capital raised under the powers of this Act 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 unless a larger dividend be at any time 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.

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

New shares or stock to form part of capital of Company.

18. The capital in new shares or stock so created shall form part of the capital of the Company.

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

A.D. 1935.

—
Restriction as to votes in respect of preference shares or stock.

20. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New and existing shares or stock may be of same class.

21.—(1) Save as otherwise expressly provided by this Act all ordinary and preference shares or stock created by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

Sale of shares or stock 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 town clerks of Christchurch Bournemouth and Lymington respectively and to the clerk of the council of every urban or rural district wholly or partly included within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened until after the day of auction or last day for the reception of tenders as the case may be ;

A.D. 1935.
—

- (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 (other than the first 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 Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee or of any consumer of water supplied by the Company;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

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

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

A.D. 1935.

22. Notwithstanding anything in any Act relating to the Company the directors may with the approval of a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each future issue of ordinary or preference shares or stock of the Company for exclusive offer in the first instance to consumers of water supplied by the Company and to employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe :

Special provision for benefit of small investors.

Provided that every allotment of shares or stock under this section shall be at a price not less than the reserve price at which the like class of shares or stock of the same issue shall be offered under the provisions of subsection (2) of the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender."

23. When any ordinary or preference shares or stock are to be issued by the Company and whether any of the shares or stock of the Company are at a premium or not the Company in lieu of offering the same for sale by public auction or tender may with the previous approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose offer such ordinary or preference shares or stock to employees and to the consumers of water supplied by the Company at not less than the average price (after due allowance made for any enhancement in price by reason of any accrued dividend) at which according to the books of the Company sales of shares or stock of the same class were effected within the period of six months immediately preceding the date of application by the Company for such approval as aforesaid.

Sale of shares or stock to employees and consumers at a fixed price.

24. Notwithstanding anything in any Act relating to the Company the Company may with the approval of the Minister of Health and subject to such conditions

Power to offer shares or stock for subscription by public.

A.D. 1935.

as that Minister may think fit to impose offer for subscription by the public any ordinary or preference shares or stock which they may for the time being be authorised to issue.

Provisions
as to pay-
ment of
commission
on sale of
shares or
stock.

25. The Company when ordinary or preference shares or stock are to be offered for sale may with the approval of the Minister of Health and subject to such conditions as that Minister may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor :

Provided that—

(a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of the shares or stock; and

(b) nothing in this section contained shall affect any power of the Company to pay brokerage.

Power to
borrow.

26.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the capital raised by the Company before the passing of this Act 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 by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) one hundred and twenty-four thousand eight hundred and thirty-six pounds.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any capital raised by them after the passing of this Act any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing has been so raised and in the case of any capital raised by the issue of redeemable preference shares or stock has not been redeemed by paying off the shares or stock. But no sum shall be borrowed in respect of any such capital

(other than capital raised by the issue of shares or stock allotted under the provisions of the section of this Act of which the marginal note is "Special provision for benefit of small investors") until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital together with the premiums (if any) realised on the sale thereof has been fully paid up.

A.D. 1935.

27. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Company but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Debenture stock.

28. All money raised or to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of 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. Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of mortgages and debenture stock over other debts.

29.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans by means of overdrafts from

Company may incur temporary loans.

A.D. 1935.

bankers or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising moneys conferred by this section shall be alternative to and not in addition to any powers for the time being of the Company to borrow on mortgage of the undertaking or to raise moneys by the issue of debenture stock.

(3) The aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed fifty thousand pounds.

Appoint-
ment of
receiver.

30. 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.

Purchase
and can-
cellation of
Company's
securities.

31.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the Company at a price not exceeding the market value thereof and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

(2) Any debentures or debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished by the Company and the amount of any debentures or debenture stock so cancelled shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to re-borrowing by the Company shall apply accordingly.

Redeemable
preference
shares or
stock and
debenture
stock.

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

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

“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 and any redeemed stock :

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 a general meeting 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 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 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 capital for the purpose of any enactment regulating the borrowing powers of the Company.

A.D. 1935.

(4) The redemption of any preference stock issued so as to be redeemable shall not 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.

(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 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 but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of the section of this Act of which the marginal note is "Sale of shares or stock by auction or tender."

33. The Company shall not issue any share of less nominal value than ten pounds.

Nominal
value of
shares.

Minimum
holdings of
stock and
debenture
stock.

34.—(1) All ordinary and preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or a multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any ordinary or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or a multiple of one pound of ordinary or preference stock or debenture stock.

(2) Notice of this enactment as far as applicable shall be stated in all certificates of ordinary and preference stock and debenture stock of the Company (as the case may be) issued after the passing of this Act.

35.—(1) All money raised under this Act 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 the provisions of this Act (after deducting therefrom the expenses of and incident to such issue) shall not be considered as part of the capital of the Company entitled to dividend. Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purpose be reckoned as part of the paid-up capital.

A.D. 1935.
—
Application
of money.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised under the West Hampshire Water Acts 1893 to 1926.

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

Limitation
on carry
forward.

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

PART V.

ADMINISTRATIVE PROVISIONS.

37. The quorum for a general meeting (whether ordinary or extraordinary) shall be shareholders holding in the aggregate not less than five thousand pounds in nominal value of the capital of the Company to which

Quorum for
general
meetings.

A.D. 1935. — voting rights are attached and being present in person in number not less than seven.

Voting rights.

38.—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of ordinary shares or stock and of any preference shares or stock to which voting rights are attached by the resolution creating them shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete ten pounds in the nominal value of the said shares or stock held by him beyond ten pounds up to one thousand pounds and an additional vote for each complete one hundred pounds in the nominal value of the said shares or stock held by him beyond one thousand pounds.

(2) Where a corporation being a holder of shares or stock to which voting rights are attached is present by a proxy who is not a shareholder in the Company such proxy shall be entitled to vote for such corporation on a show of hands.

Proof of majority of votes only required when poll demanded.

39. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Company not bound to regard trusts.

40. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any shares or stock or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall *mutatis mutandis* extend and apply to any shares or stock or debenture stock of the Company as if such shares or stock or debenture stock were shares to which that section applies.

Receipts of minors.

41. If any money is payable to a mortgagee or debenture stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

42. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company 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 Company) containing the names and addresses of the several shareholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

A.D. 1935.

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

43. Notwithstanding anything 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 debenture or mortgage bond or a new certificate of any shares or stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture 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 debenture 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 debenture bond certificate or warrant or the debenture mortgage share stock debenture stock dividend or interest represented thereby.

Indemnity
before issue
of sub-
stituted
certificates
&c.

44. Subject to the provisions of this Act the number of directors shall be seven but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Number of
directors.

45. The qualification of a director shall be the possession in his own right of ordinary shares or stock of a nominal amount of not less than five hundred pounds.

Qualifica-
tion of
director.

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

As to ap-
pointment
of managing
director.

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

A.D. 1935.
—

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

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

Appoint-
ment of
officers as
directors.

47.—(1) The directors may at any time appoint any chief engineer general manager or secretary of the Company to be a director and for such purpose the number of directors prescribed by or under the section of this Act of which the marginal note is "Number of directors" shall be deemed to be increased by one so long as the director who has been so appointed is in office as a director :

Provided that—

(a) in no event shall there be at the same time more than one such person holding office as a director by virtue of the provisions of this section; and

(b) any person so appointed shall unless the appointment is approved at the next ordinary general meeting of the Company after such appointment by a majority of the votes of the proprietors of the Company present personally or by proxy and entitled to vote and voting at the meeting cease to be a director as from the date of that meeting.

(2) Any person appointed as a director under the provisions of this section shall not be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but he shall cease to be a director upon ceasing to hold his position as chief engineer general manager or secretary as the case may be.

Directors
holding
office under
or contract-
ing with
Company.

48. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract

with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract : A.D. 1935.
—

Provided that—

- (a) in the case of his being or becoming interested in any contract with the Company whether such interest arises before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and
- (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 Company to give to the directors or any of them any security by way of indemnity.

49. If any of the directors shall be made bankrupt or shall go to reside abroad for a longer period than twelve months or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect to attend be occasioned by illness or other reasonable cause allowed by the directors) then the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director. Vacation of
office of
director.

50.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at a general meeting 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 or left at the principal office of the Company seven days at least before the day of election and the secretary shall during such seven days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered. Notice of
candidature
of or of
opposition
to re-elec-
tion of
director.

[Ch. li.] *West Hampshire Water* [25 & 26 GEO. 5.]
Act, 1935.

A.D. 1935.

(2) In the case of a retiring director notice of opposition to his 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 shares or stock for at least two months prior to his election.

Half-yearly
dividends.

51.—(1) If and so long as the ordinary meetings of the Company shall be held once only in each year (in this section referred to as “the annual general meeting”)—

(a) the directors may on or after the thirty-first day of December in any year without the sanction or direction of a general meeting declare and pay out of the funds of the Company applicable to dividend a dividend in respect of the half-year ended on the said thirty-first day of December on any class of shares or stock in the capital of the Company at such rate per centum per annum as the directors may think fit but no such rate shall as respects any ordinary shares or stock be greater than the maximum annual rate of dividend on such shares or stock or as respects any preference shares or stock be greater than the preferential annual rate of dividend assigned to such shares or stock;

(b) Section 116 of the Companies Clauses Consolidation Act 1845 shall in its relation to the Company be read and have effect as if the words “preceding year” were substituted therein for the words “preceding half-year.”

(2) When in respect of any such half-year as aforesaid the directors exercise the powers conferred by paragraph (a) of subsection (1) of this section the only dividend (if any) to be declared at the next following annual general meeting on any class of shares or stock in the capital of the Company in relation to which such powers were exercised shall be a dividend in respect of the half-year ending next before the date of such annual general meeting at such rate as the Company may approve not exceeding the rate of dividend requisite to enable the Company to pay in the case of any ordinary shares or stock the balance of the dividend which can

lawfully be paid in respect of such shares or stock and in the case of any preference shares or stock the balance of the dividend payable in respect of the year in which such half-year occurs at the preferential annual rate assigned thereto and section 120 of the Companies Clauses Consolidation Act 1845 shall in its application to the Company be read and have effect accordingly.

A.D. 1935.

—

52.—(1) It shall be lawful for the Company at any time by resolution passed at a general meeting to decide that the accounts of the Company shall be audited by a single auditor or by a firm of accountants.

Auditors.

(2) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(3) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

PART VI.

SUPPLY OF WATER &C.

53.—(1) Where the net annual value of a house supplied with water does not exceed thirteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of small houses.

A.D. 1935.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall *mutatis mutandis* extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supply by
measure.

54. The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price of
supply by
measure.

55. Subject to the provisions of this Act the price to be charged by the Company for a supply of water by measure shall not exceed the following:—

Where the quantity of the supply in any quarter of a year does not exceed fifty thousand gallons two shillings per thousand gallons;

Where the quantity of the supply in any quarter of a year exceeds fifty thousand gallons two shillings per thousand gallons for the first fifty thousand gallons and one shilling and six pence per thousand gallons for all in excess of fifty thousand gallons.

Minimum
charge for
certain
supplies by
measure.

56. The Company shall be entitled to charge for each supply of water by measure other than a supply given under the sections of this Act whereof the marginal notes are—

“Charges for supplies for refrigerating apparatus &c.”; and

“Supply to certain premises”;

such minimum sum (exclusive of meter rent) in respect of the water supplied in any quarter of a year as will give them a reasonable return on the capital expenditure incurred by them in providing the supply and will cover other standing charges incurred by them in order to meet the possible maximum demand in respect of the

supply and will yield a reasonable return on the cost of the water supplied. The sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Acts 1889 to 1934.

A.D. 1935.

57. Notwithstanding anything in any enactment relating to the Company the Company may charge in respect of every bath capable of containing more than seventy-five gallons such sum as the Company may think fit and any sum charged under this section shall be recoverable in the same manner as water rates.

As to charges for certain baths.

58.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a stand-pipe or tap be fixed on such premises charge (except where the water so used is taken by measure) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first. Provided that if a hose-pipe or other similar apparatus be used in connection with the said stand-pipe or tap the Company may charge an additional sum not exceeding fifteen shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

Charges for horses and washing vehicles &c.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the like manner as the said rates.

(3) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a stand-pipe or tap or 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 Company may if they think fit require that all water so used by means of any such stand-pipe or tap or hose-pipe or other apparatus shall be taken by measure and paid for accordingly.

A.D. 1935.

—
Charges for
supplies for
refrigerating
apparatus
&c.

59. Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus or for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleaning cooling regenerating or for motive power or similar purposes) depending while in use upon a supply of continuously running water any of the water so supplied the Company shall be entitled to require that all water so used shall—

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

Supply to
certain
premises.

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

- (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) nursing home sanatorium club or assembly hall.

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

Supplies to
swimming
baths and
bathing
pools.

61. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by measure and paid for accordingly.

As to net
annual
value of
two or
more houses
in one
occupation.

62. 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 net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

A.D. 1935.

63. 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 person until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

64. The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is 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 Company shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cisterns.

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

Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company

A.D. 1935. — 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.

Stop-cocks
&c. to be
fitted in
communi-
cation pipes.

66.—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street execute such works on behalf of such person and any proper expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

67.—(1) In addition to the powers conferred by section 51 (For preventing waste &c. of water) of the Act of 1893 the Company may make byelaws as to the testing and stamping of valves fittings and other apparatus and prescribing the charge to be made for such testing and stamping and all such byelaws shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 and those provisions shall for the purpose of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk to the local authority The confirming authority for the purpose of the said section 250 shall be the Minister of Health.

A.D. 1935.
—
Extension of powers for preventing waste &c. of water.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

68. In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Company.

Period of error in defective meters.

69. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any house or building or land in which

Power to remove meters and fittings.

A.D. 1935.

any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Penalty for opening valves &c.

70. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension of power to inspect premises.

71. 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 o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or making an examination under either of those sections 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 supply to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

Fittings let for hire not to be subject to distress &c.

72. Any fittings let for hire by the Company and marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in

execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

A.D. 1935.

- (b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company.

73.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

As to streets forming boundary of limits of supply.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe 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 or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the limits of supply.

(3) Nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

74.—(1) The Minister of Health if he is satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise

Supply of water by Company to premises outside limits of supply.

A.D. 1935.

the Company to supply water to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the Company as in the opinion of the Minister of Health are necessary to give full effect to the order.

(3) An order shall not (unless in the opinion of the Minister of Health consent is unreasonably withheld) be made except with the consent of the local authority within whose area and of any undertakers for the supply of water within whose limits of supply the premises are situate.

(4) (a) An order made under this section shall cease to have effect with respect to any premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give a supply of water to such premises and give not less than three months' notice thereof to the Company.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such portion of the expenditure incurred by the Company within the area of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration.

(5) The charge made by the Company 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 Company for water supplied for a similar purpose within the limits of supply.

PART VII.

MISCELLANEOUS PROVISIONS.

For protection of Southern Railway Company.

75. For the benefit and protection of the Southern Railway Company the provisions of section 16 (For protection of the Southern Railway Company) of the *West Hampshire Water Act 1926* shall extend and apply to the exercise by the Company of the powers conferred upon them by this Act and with respect to any works to be executed by the Company in the exercise of such powers.

76. The agreement dated the twelfth day of November one thousand nine hundred and thirty-four and made between the Company of the one part and the rural district council of Ringwood and Fordingbridge of the other part of which a copy is set forth in the Third Schedule to this Act is hereby confirmed and made binding upon the parties thereto and may and shall (subject to such modifications and variations therein as may hereafter be agreed between the parties thereto) be carried into effect accordingly.

A.D. 1935.

—
Confirmation of scheduled agreement with rural district council of Ringwood and Fordingbridge.

77. The provisions of section 44 (Power for Commissioners of Woods to grant wayleaves to Company) of the West Hampshire Water Act 1902 shall extend and apply to and for the purposes of this Act as fully and effectually as if the same had been re-enacted in this Act and as if the Forestry Commissioners had been referred to therein in addition to the Commissioners of Woods.

Application of section 44 of Act of 1902.

78. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description vested in the Forestry Commissioners without the consent in writing of the Forestry Commissioners first had and obtained for that purpose.

Crown rights.

79.—(1) It shall be lawful for the Company to make superannuation and other allowances and to pay or contribute towards pensions or gratuities to any employee or (where in any particular case no adequate provision is in the opinion of the Company otherwise made) to the widow or family or any dependant of any employee.

Power to make superannuation and other allowances.

(2) The Company may enter into and carry into effect agreements with any local authority as defined by the Local Government and other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions superannuation allowances or payments as are by this section authorised to be made.

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

A.D. 1935.

—
Purchase of
water in
bulk.

80. The Company may enter into and carry into effect agreements with any authority company body or person supplying water under parliamentary authority and with the approval of the Minister of Health in the case of any water intended for domestic consumption with any other authority company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the undertaking.

Several
sums in one
summons.

81. Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such 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.

Amendment
of existing
enactments.

82.—(1) Section 40 (Reservation of water rights on sale) of the Act of 1893 shall be read and have effect as if the words “lease exchange or disposition” were inserted after the word “sale” wherever that word occurs in the said section.

(2) The West Hampshire Water Act 1902 shall be read and have effect as if—

(a) In section 5 (Power to acquire additional lands by agreement) the words “(other than wells and “works for the taking and intercepting of “water)” were inserted after the words “any of the works”;

(b) In section 37 (Power to purchase lands and exercise powers for protection of waters and waterworks) the words “arise or flow” were inserted after the words “any waters.”

(3) The Act of 1926 shall be read and have effect as if—

(a) In section 3 (Interpretation) the words “for the time being authorised” were substituted for the words “as authorised by the West “Hampshire Water Acts and Order 1893 to “1926”;

- (b) In section 49 (Amendment of section 35 of Waterworks Clauses Act 1847) the words "one eighth" were substituted for the words "one seventh"; A.D. 1935. —
- (c) In section 69 (As to appointment of proxies) the words "or if it has been deposited in the central office of the Supreme Court an office copy thereof" were inserted after the words "the instrument appointing the attorney."

83. The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeals.

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

A.D. 1935.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

(A) CAPITAL OF THE COMPANY.

Authority.	Description of capital.	Maximum dividend.	Nominal amount of shares.	Total paid up.		Re- main- ing to be raised.	Total amount authorised.
				Nominal.	Premiums received less discounts.		
The Act of 1893.	"A" ordinary shares.	10%	£ 10	£ 50,000	£ —	£ —	£ 50,000
The West Hampshire Water Act 1902.	"B" ordinary shares.	7	10	2,380	} 3,385 17 6	} 314 2 6	50,000
	"B" ("Affleck") ordinary shares.	7	10	3,000			
	Preference shares.	4½	10	32,540			
	Preference shares.	6	10	8,380			
The Act of 1926.	"B" ordinary shares.	7	10	65,000	} 17,335 16 11	} 14 3 1	150,000
	Preference shares.	5½	10	55,000			
	Preference shares.	4½	10	12,650			
				228,950	20,721 14 5	328 5 7	250,000

(B) AMOUNTS AUTHORISED TO BE RAISED AND REMAINING TO BE RAISED BY THE COMPANY ON MORTGAGE OR BY THE CREATION AND ISSUE OF DEBENTURE STOCK. A.D. 1935.

Authority.	How raised.	Rate of interest.	Amount raised.	Remaining to be raised.	Total amount authorised.
The West Hampshire Water Acts and Order 1893 to 1926.	{ Debenture stock. Debenture stock. Premiums received less discounts.	% 4	£ 39,540 0 0	} 165 16 11*	125,000*
		5	81,700 0 0		
		—	3,594 3 1		
				124,834 3 1	165 16 11

* Subject to the raising of £14 3s. 1d. the capital remaining to be raised under the Act of 1926.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.
56 & 57 Vict. c. ccv.	The West Hampshire Water Act 1893.	Section 3 (Interpretation of terms) from the words "The expression 'superior courts'" to the end of the section. Section 10 (Receipt in case of persons not sui juris). Section 14 (Debenture stock). Section 18 (Number of directors). Section 19 (Qualification of directors). Section 43 (Rate payable by owner for small houses &c.). Section 45 (Power to Company to supply water for other than domestic purposes). Section 55 (Company not bound to supply several houses by one pipe). Section 61 (Liability for water rent not to disqualify justices). Section 62 (Contents of summons &c.).

A.D. 1935.

Session and chapter.	Short title.	Extent of repeal.
56 & 57 Vict. c. ccv.— <i>contd.</i>	The West Hampshire Water Act 1893.	Section 63 (Authentication of notices &c.).
2 Edw. 7. c. cv.	The West Hampshire Water Act 1902.	Section 66 (Penalties not cumulative).
16 & 17 Geo. 5. c. lxxxii.	The West Hampshire Water Order 1919 (as confirmed by the Water Order Confirmation Act 1919 9 & 10 Geo. 5. c. cix).	So much of section 3 (Interpretation) as relates to proceedings for the recovery of any demand not exceeding fifty pounds. Section 8 (Company may dispose of lands not required). Section 12 (Power to discharge water into streams). Section 28 (Power to create debenture stock). Section 30 (Existing mortgages to have priority). Section 33 (Number and qualification of directors). Section 36 (Rate for supply of water by meter).
16 & 17 Geo. 5. c. lxxxii.	The West Hampshire Water Act 1926.	Section 5 (Shares or stock to be sold by auction or tender).
16 & 17 Geo. 5. c. lxxxii.	The West Hampshire Water Act 1926.	Section 37 (New shares or stock to be sold by auction or tender). Section 38 (Power to borrow). Section 39 (Borrowing powers in respect of existing capital). Section 40 (Power to create debenture stock). Section 42 (Appointment of receiver). Section 43 (Issue of redeemable preference capital and debenture stock). Section 46 (Receipt in case of persons not sui juris). Section 59 (Rate for supply of water by meter). Section 60 (Charges for hose pipes). Section 65 (Interim dividends and annual accounts). Section 72 (Several sums in one summons).

THIRD SCHEDULE.

A.D. 1935.

Stamp duty.

THIS DEED made the twelfth day of November one thousand nine hundred and thirty-four between THE WEST HAMPSHIRE WATER COMPANY whose office is situate at No. 21 Stour Road Christchurch in the county of Southampton (hereinafter called "the Company") of the one part and THE RURAL DISTRICT COUNCIL OF RINGWOOD AND FORDINGBRIDGE in the county aforesaid (hereinafter called "the Council") of the other part.

Nineteen pounds
five shillings.
Five shillings.
6.12.34.

WHEREAS—

1. The Company were incorporated by the West Hampshire Water Act 1893 and are by the West Hampshire Water Acts and Order 1893 to 1926 (hereinafter called "the said Acts") empowered to supply water within the limits and to the extent mentioned in the said Acts.

2. By section 10 of the West Hampshire Water Act 1902 (hereinafter called "the Act of 1902") it is provided that the Company may enter into and carry into effect agreements with any local authority for the supply of water beyond the limits of the Act of 1902 to any such authority 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 district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of that Act.

3. By section 62 of the West Hampshire Water Act 1926 (hereinafter called "the Act of 1926") it is provided that any urban or rural district council whose district is in whole or in part within the limits of supply of the Company may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district and that the giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general

A.D. 1935. — Act any money which may become payable to the Company under the section now in recital and it was thereby provided that nothing in that section should be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other authority supplying water under parliamentary authority without the consent of such other authority.

4. The Council is the local authority for the rural district of Ringwood and Fordingbridge in the county of Southampton which district is partly within and partly without the limits within which the Company are empowered to supply water (hereinafter called "the authorised limits") and the Council are desirous in exercise of the powers conferred on them by section 51 of the Public Health Act 1875 and of all other powers of providing with a supply of water certain parishes within their district but without the authorised limits namely the parishes of Ellingham Harbridge and Ibsley and Fordingbridge or some part or parts of such parishes (which parishes are not within the limits of supply of any other company or person supplying water under parliamentary authority) and for such purposes are desirous of contracting with the Company for a supply of water in bulk which supply the Company have agreed to furnish upon the terms and conditions hereinafter contained.

5. The Council as such local authority as aforesaid are also desirous that the parishes aforesaid shall be brought within the Company's limits of supply to the intent that the Company may be empowered to supply water to the said parishes and have accordingly requested the Company to promote a Bill in the next session of Parliament for such purpose which the Company have agreed to do upon the terms and conditions hereinafter contained.

Now this deed witnesseth and it is hereby agreed and declared as follows :—

1. In pursuance of the said agreement and in consideration of the covenants on the part of the Council hereinafter contained the Company hereby covenant with the Council in manner following that is to say :—

- (1) That the Company in exercise of the powers conferred on them by section 10 of the Act of 1902 and of all other powers will within fourteen days after request in writing by the Council furnish to the Council a supply of water in bulk for the purpose of enabling the Council as the local authority for the parishes of Ellingham Harbridge and Ibsley and Fordingbridge (hereinafter called "the said parishes") in exercise of the powers conferred on them

- (5) That upon such Bill receiving the Royal Assent the Council will within three months thereafter sell to the Company all mains pipes and other works lawfully laid or constructed by the Council for the purpose of providing with a supply of water the said parishes or any of them at the price fixed by paragraph 1 (4) of this agreement and thereafter the Council shall cease to supply the said parishes for so long as the Company shall supply such parishes in exercise of the powers conferred and in accordance with the obligations imposed on them by Parliament and the power of the Council to collect water rates and other charges for the supply of water in the said parishes or any part thereof shall thereafter cease except as to arrears of such rates and charges due and owing to the Council at the date of sale :
- (6) That if after the date on which the Company shall purchase from the Council the said mains pipes and works the amount payable to the Company in respect of any half year or period less than a half year thereafter (such half year or period ending on the thirtieth day of June or the thirty-first day of December respectively) for rates and charges in respect of water supplied for domestic and all other purposes in respect of all premises supplied with water by the Company and situate in the said parishes or any part thereof as shall lie within one hundred yards of any main or pipe purchased by the Company as aforesaid shall be less than an amount equivalent to ten per cent. per annum on the amount so paid or to be paid by the Company to the Council in respect of such half year or period then the Council in exercise of the powers conferred on them by section 62 of the Act of 1926 and of all other powers shall pay the amount of any such deficiency (provided that such sum in any half year shall not exceed the sum of seven hundred and fifty pounds) to the Company within fourteen days after delivery of an account certified by the Company's manager and auditors which account shall be deemed to be final and binding on both parties hereto but the Company shall allow the Council or its officers all reasonable facilities for inspecting the books and accounts of the Company in relation to the matters aforesaid Provided that in arriving at the amount of any such deficiency there shall not be taken into account (a) tapping fees and charges for private work executed by the Company as contractors (b) charges payable by the Council to the Company for the fixing and maintenance of fire plugs (c) meter rentals or (d) rates or charges levied by the Company in respect of premises served by any extensions of the said mains or pipes so purchased

A.D. 1935.

A.D. 1935.
—

by the Company as aforesaid Provided also that if any rates or charges previously credited shall be found to be irrecoverable and shall be so certified by the Company's manager and auditors the necessary adjustment shall be made in the account for the next following or any subsequent half year :

(7) (i) That in laying or constructing and maintaining all mains pipes and other works lawfully to be laid or constructed by the Council for the purpose of providing with a supply of water the said parishes or any of them the Council shall not act otherwise than under the advice and superintendence of David Llewellyn the Company's engineer or if he shall die or otherwise fail to act then of an engineer to be agreed upon between the parties (hereinafter called " the engineer ") the Council reserving to themselves the sole right of deciding the areas to be served ;

(ii) That the engineer shall be the agent of the Council within the scope of his authority as the engineer for the purposes of this agreement and the Council shall pay and discharge his proper remuneration and expenses in accordance with the scale of fees laid down by the Institution of Civil Engineers ;

(iii) That if so required by the engineer the Council shall employ and pay a clerk of the works who shall be nominated by the engineer ;

(iv) That the Council will not make or permit or suffer to be made any communication between any premises served under this agreement and the mains pipes or other works so to be laid or constructed by the Council as aforesaid otherwise than under the superintendence and according to the directions of the engineer or some person nominated by the engineer for the purpose ;

(v) That the Council shall not execute all or any part of the work of laying or constructing all mains pipes or other works lawfully to be laid or constructed by the Council as aforesaid otherwise than by contract and shall not accept any contract price which shall not have been previously approved in writing by the Company ;

(vi) That the Council shall not without the consent in writing of the Company make to consumers occupying premises within the said parishes or any of them rates or charges for the supply of water for domestic or other purposes for which a specific rate or charge is sanctioned by the said Acts or any statutory amendment thereof which shall be less than the rates or charges for the time being lawfully made by the Company to consumers occupying premises within the parish of Ringwood.

A.D. 1935.

by section 51 of the Public Health Act 1875 and of all other powers to provide with a supply of water the said parishes or some part or parts thereof upon the terms and conditions hereinafter contained. Provided nevertheless that such supply shall not be given by the Company if and so long as the same would interfere with the supply of water for domestic purposes within "the authorised limits". And provided also that the Company shall be under no obligation to furnish such supply in the event of the Council failing to observe or perform the covenants on their part hereinafter contained or any of them or in the event of the Company being prevented or hindered in furnishing such supply by exceptional drought breakdown of pumping machinery damage to mains or pipes or other inevitable accident or any act of God or the King's enemies :

- (2) That the Company shall provide and maintain an efficient meter at the point of supply to the Council (such point to be decided by agreement between the Company and the Council) and shall keep such meter at all times in good working order such meter to be and remain the property and under the exclusive control of the Company :
- (3) That the Company shall unless prevented by inevitable accident act of God or the King's enemies promote in the next session of Parliament a Bill for the purpose (among other things) of extending the Company's limits of supply to include (in addition to "the authorised limits") the said parishes and such other parishes as the Company may think fit :
- (4) That upon such Bill receiving the Royal Assent the Company will within three months thereafter pay to the Council such amount as the Council shall have expended in providing laying or constructing all mains pipes valves and other works lawfully laid or constructed by the Council for the purpose of providing with a supply of water the said parishes or any of them and the amount which the Council shall have paid to the engineer for his fees and disbursements and the costs of superintending the laying and construction of the said works and thereafter the Company shall supply the said parishes in exercise of the powers conferred and in accordance with the obligations imposed on them by Parliament. Provided that the Company shall be under no obligation to pay to the Council the due proportion of such amount as aforesaid as regards any part of the mains pipes valves and other works aforesaid in respect of which the Council shall fail to observe or perform the covenants on their

A.D. 1935.
—

part hereinafter contained relating to the laying construction and maintenance of the said mains pipes and works And after payment of the amount aforesaid all such mains pipes valves and other works shall forthwith vest in and become the property of the Company.

2. In further pursuance of the said agreement and in consideration of the covenants on the part of the Company hereinbefore contained the Council in exercise of the powers conferred on them by section 51 of the Public Health Act 1875 and by section 62 of the Act of 1926 and of all other powers hereby covenant with the Company in manner following that is to say :—

- (1) That the Council will pay to the Company a price for the supply of water to be furnished by the Company to the Council in bulk as aforesaid at the rate of one shilling and two pence for every one thousand gallons such price to be payable quarterly in arrear after the usual quarter days within one month after demand in writing by the Company the first such payment to be made in respect of the quarter or part of a quarter ending on the thirtieth day of September one thousand nine hundred and thirty-five Section 48 of the West Hampshire Water Act 1893 shall apply to this deed :
- (2) That the Council will pay to the Company in addition to the said price a meter rent of ten pounds per quarter or part of a quarter such meter rent to be payable quarterly in arrear after the usual quarter days together with the price for water supplied in respect of the quarter or part of a quarter ending on such quarter day.:
- (3) That the Council or its officers servants or agents will not at any time interfere with the said meter Provided that any such officer servant or agent authorised in writing by the Council under the hand of their clerk may at any time on reasonable notice to the Company inspect and read the said meter :
- (4) That the Council will (without incurring any financial expense or obligation) use its best endeavours to assist the Company in promoting, in the next session of Parliament a Bill in so far as such Bill relates to an extension of the Company's limits of supply to any parishes within the area of the rural district of Ringwood and Fordingbridge not already within the Company's limits of supply The Council shall be entitled to be refunded by the Company the amount of any disbursements made by the Council in assisting in the promotion of the said Bill the nature and extent of such disbursements being previously approved by the Company :

3. It is further agreed and declared between the parties hereto as follows :— A.D. 1935.

- (1) That if the Company shall fail in the next session of Parliament to obtain an Act for the purpose of extending the Company's limits of supply to include the said parishes then this agreement so far as regards the supply of water in bulk by the Company to the Council shall subject to the provisions of the said Acts remain in full force until the thirty-first day of December one thousand nine hundred and sixty-four and thereafter until determined by one party by not less than twelve calendar months' notice in writing to the other Provided that during the years ending on the thirty-first day of December one thousand nine hundred and forty-four and the thirty-first day of December one thousand nine hundred and fifty-four the price to be charged by the Company for the supply of water in bulk under this agreement shall be open to review at the option of either party hereto and shall be fixed failing agreement by the Minister of Health or some person nominated by him for the purpose :
- (2) That any questions or difference between the Company and the Council as to the interpretation of this agreement or in relation to anything hereunder (not herein otherwise provided for) shall be referred to the determination of a single arbitrator under the provisions of the Arbitration Acts 1889 and 1934 or any statutory modification thereof for the time being in force and such arbitrator shall in default of agreement between the parties be appointed by the Minister of Health :
- (3) That any notice to be served by the Council on the Company under this deed may be so served if signed by the clerk to the Council and sent by post in a registered letter addressed to the secretary of the Company at No. 21 Stour Road Christchurch aforesaid or other the office for the time being of the Company and any notice account or demand to be served by the Company on the Council under this deed may be so served if signed by the secretary or manager of the Company and sent by post in a registered letter addressed to the clerk of the Council at Ringwood aforesaid.

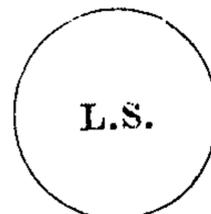
4. This agreement is expressly conditional upon the Council being able to secure the sanction of the Minister of Health to the raising of a loan for the purposes of this agreement and if within a period of nine months from the date hereof the Council shall be unable to secure such sanction this agreement shall be absolutely null and void.

A.D. 1935.
—

5. Any contract for the execution of all or any part of the work of laying or constructing all mains pipes or other works to be laid or constructed by the Council as aforesaid shall if the Council so require contain a provision to the effect that the contractor if he shall require to recruit unskilled labour shall recruit not less than twenty-five per cent. of such unskilled labour among local unemployed persons through the agency of the Fordingbridge Employment Exchange.

In witness whereof the Company and the Council respectively have caused their common seals to be hereto affixed the day and year first above written.

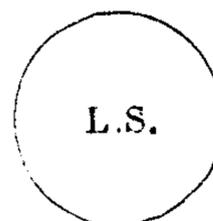
The common seal of the West Hampshire }
Water Company was hereunto affixed }
in the presence of }



JNO. KEMP WELCH Director.

D. LLEWELLYN Secretary.

The common seal of the rural district }
council of Ringwood and Fording- }
bridge was hereunto affixed at a }
meeting of the Council in the presence }
of }



Chairman E. KEBLE.

Clerk H. C. BROWN.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2;
York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff;
80, Chichester Street, Belfast;
or through any Bookseller.