



## CHAPTER ci.

An Act to authorise the Camborne Water Company to construct new waterworks and to raise further capital to confer additional powers upon the Company and for other purposes. A.D. 1935.

[2nd August 1935.]

**W**HEREAS the Camborne Water Company (in this Act called "the Company") were incorporated by the Camborne Water Act 1867 (in this Act referred to as "the Act of 1867") and are by the Act of 1867 the Camborne Water Order 1890 and the Camborne Water Act 1908 empowered to construct works and to supply water within the limits in the county of Cornwall set forth in the Act of 1867 :

And whereas the demand for water within the limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand it is expedient that the Company should be empowered to make and maintain the works hereinafter described :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the schedule to this Act and it is expedient that the Company should be empowered to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained :

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— And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the said works and sections showing the levels of such works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the county of Cornwall and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

## PART I.

## PRELIMINARY.

Short and  
collective  
titles.

1. This Act may be cited as the Camborne Water Act 1935 and the Camborne Water Act 1867 the Camborne Water Order 1890 the Camborne Water Act 1908 and this Act may be cited together and are in this Act referred to as the Camborne Water Acts and Order 1867 to 1935.

Act divided  
into Parts.

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

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Supply of water &c.

Part IV.—Financial provisions.

Part V.—Administrative provisions.

Part VI.—Miscellaneous.

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 Camborne Water

Acts and Order 1867 to 1935) are hereby incorporated with this Act (namely) :— A.D. 1935.

- (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 :

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 sections 127 to 131 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands) :

Provided that any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party :

- (3) The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital and the Companies Clauses Act 1863 (except Part IV) as amended by subsequent Acts :

Provided that in the application to the Company of 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 Interpre-  
tation.

A.D. 1935. — meanings unless there be something in the subject or context repugnant to such construction.

And in this Act—

“The Company” means the Camborne Water Company;

“The Act of 1867” means the Camborne Water Act 1867;

“The Order of 1890” means the Camborne Water Order 1890 confirmed by the Water Orders Confirmation (No. 2) Act 1890;

“The Act of 1908” means the Camborne Water Act 1908;

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

“The new waterworks” means the works described in subsection (1) of the section of this Act of which the marginal note is “Power to make works”;

“The works” means the works authorised by this Act;

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the clerk of the county council of the county of Cornwall in relation to the Bill for this Act;

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

“Shareholder” includes stockholder;

“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.

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## WORKS AND LANDS.

**5.**—(1) Subject to the provisions of this Act the Company may in the urban district of Camborne-Redruth in the county of Cornwall in the lines or situations and in upon or under the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

Power to  
make  
works.

Work No. 1 A pumping station situate in the south-westerly corner of the enclosure numbered 1902A on the 1/2500 Ordnance map Cornwall sheet LXII.16 (second edition 1908);

Work No. 2 An aqueduct conduit or line or lines of pipes commencing in the said pumping station (Work No. 1) and terminating in the existing reservoir of the Company known as the Trevu reservoir.

(2) In addition to the foregoing works the Company may in upon or under the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new waterworks or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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

Works to  
form part  
of under-  
taking.

**7.** In the construction of any of the new waterworks or any part of any of such works the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Limits of  
deviation.

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Provided that the Company shall not except for the purpose of crossing over a stream raise any pipe above the surface of the ground unless so shown on the deposited sections and then only to the extent shown.

Power to  
take  
waters.

8. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all such streams springs and waters which will or may be taken or intercepted by means of the works.

Period for  
completion  
of works.

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

Discharge  
of water  
into  
streams.

10.—(1) For the purpose of constructing maintaining repairing altering enlarging extending cleansing emptying testing or examining any of the works of the Company whether constructed before or after the passing of this Act the Company may cause the water in any such work to be discharged into any available stream ditch or watercourse and for that purpose the Company may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons interested for all damage sustained by them in the exercise of such powers the amount of such compensation to be settled in

default of agreement by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification or re-enactment thereof for the time being in force. A.D. 1935.  
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(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railway or works of the Great Western Railway Company.

**11.**—(1) Subject to the provisions of this Act the Company during the execution and for the purposes of any of the works may break up and also temporarily stop up and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any premises in the street from passing along and using the same. Temporary stoppage of streets &c.

(2) The Company shall provide reasonable access for foot passengers bona fide going to or returning from any such premises.

**12.** Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works or of the undertaking. Power to acquire lands.

**13.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the first day of October nineteen hundred and thirty-eight. Period for compulsory purchase of lands.

**14.** The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands. Power to Company to enter upon property for survey and valuation.

**15.** The tribunal to whom any question of disputed compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has Costs of arbitration in certain cases.

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been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the court after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to the court may seem just and proper in all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Private  
rights of  
way over  
lands taken  
compul-  
sorily.

**16.** All private rights of way over any lands which may be acquired compulsorily under the powers of this Act shall as from the date of the acquisition of such lands be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts (as modified by this Act) with reference to the taking of lands otherwise than by agreement.

Acquisition  
of lands by  
agreement.

**17.** In addition to any lands which the Company are by any other provisions of the Camborne Water Acts and Order 1867 to 1935 authorised to acquire the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement in over or under any such lands or otherwise but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed

five acres Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

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**18.**—(1) The Company may in lieu of acquiring any lands for the purposes of the works where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts (as modified by this Act) shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Power to acquire easements in lieu of lands.

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

**19.** Where under the powers of this Act 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.

Power to purchase lands already subject to easements.

**20.** 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.

Persons under disability may grant easements &c.

**21.**—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Power to hold lands and exercise powers for protection of waters.

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Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Company are from time to time empowered to take.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

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

council of the county of Cornwall and a duplicate thereof shall also be deposited with the clerk of the Camborne-Redruth Urban District Council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

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## PART III.

## SUPPLY OF WATER &amp;C.

**23.** Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Company be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part".

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

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

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

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

(3) 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.

(4) Where the Minister of Health has given his approval to a supply of water to any premises by the Company under this section the provisions of the Acts and Orders from time to time relating to the Company shall subject to any necessary modifications apply in

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relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the said Minister is to be given.

(5) (a) Where the Minister of Health has given his approval to a supply of water to any premises by the Company under this section such approval shall cease to have effect and the powers of the Company under this section shall cease with respect to those 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 one month's 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 and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

(6) The Company shall not exercise the powers conferred by subsection (4) of this section with respect to any road which passes over or under the railway of the Great Western Railway Company or across the same on the level without the consent in writing of that company which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

As to  
streets  
forming  
boundary  
of limits of  
supply.

**25.**—(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 exercisable 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.

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(2) The owner or 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.

**26.**—(1) Notwithstanding anything in this or any other Act or any Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum charges as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special  
terms for  
supplies to  
caravans  
&c.

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(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

**27.** Where a person who takes a supply of water for domestic purposes from the Company desires to use water for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water the Company shall be entitled to require that all water so used shall—

- (a) be taken by meter 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  
houses  
partly used  
for trade  
&c.

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

- (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) sanatorium school club hotel assembly hall restaurant public-house or inn; or
- (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

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

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

**29.**—(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 standpipe or tap be fixed on such premises charge (except where the water so used is taken by meter) 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 hosepipe or other similar apparatus be used in connection with the said standpipe 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.

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Charges for  
horses and  
washing  
vehicles.

(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 meter for trade or other purposes is used by him by means of a standpipe or tap or hosepipe 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 standpipe or tap or hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

**30.** 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 meter and paid for at the rate for the time being in force for the supply of water by meter.

Supplies to  
swimming  
baths and  
bathing  
pools.

**31.** Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said

Mainten-  
ance of  
common  
pipe.

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As to  
powers for  
preventing  
waste &c.  
of water.

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

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

(3) In addition to the powers hereinbefore conferred by this section the Company may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge to be made for such testing and stamping.

(4) 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 purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority The confirming authority for the purposes of the said section 250 shall be the Minister of Health.

(5) No byelaws made in pursuance of subsection (1) of this section in so far as they prescribe the size nature materials workmanship and strength of water fittings nor in pursuance of subsection (3) of this section shall apply to any pipes or fittings used on any premises (other than premises to which the Company are bound under the

Waterworks Clauses Act 1847 to afford a constant supply) 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. A.D. 1935.  
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(6) In case of the failure of any person to observe any of the byelaws made in pursuance of subsection (1) of this section as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirement of such byelaws and the reasonable expenses of every such repair replacement or alteration shall be recoverable by the Company from the person in default as the water rates in respect of the premises are recoverable by the Company.

(7) 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 subsection (3) 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.

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

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing

A.D. 1935. — brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

(3) Nothing in this section shall affect the amount of the valuation for rating of any rateable hereditament.

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

**34.**—(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 in or under the street 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 any premises 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 within the limits of supply execute such works on behalf of such person and any 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.

**35.** Notwithstanding anything contained in any Act or Order relating to the Company the Company shall have the exclusive right of executing any work on any of the water mains of the Company for connecting any communication or service pipes therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

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—  
Company  
to connect  
communi-  
cation and  
service  
pipes with  
mains.

**36.**—(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  
communi-  
cation  
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 the period of one month after the receipt of such requirement to provide a separate pipe from the main into such house the Company 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.

**37.**—(1) For the purpose of complying with any obligations under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Opening of  
ground by  
persons  
liable to  
maintain  
pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such

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works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to  
Company  
to repair  
communi-  
cation  
pipes.

**38.** If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as water rates are recoverable by the Company. Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Contracts  
for supply-  
ing water  
in bulk.

**39.** The Company may enter into and carry into effect agreements with any local authority company body or person for the supply of water to such authority company body or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such periods as may be agreed upon. Provided that such supply shall not be given except with the consent of the local authority and of any company body or person supplying water under parliamentary authority within the area to be supplied nor if and so long as such supply would interfere with the supply of water in the limits of supply :

Provided also that the consent of the persons under whose control or management any street or bridge is shall be required to the opening or breaking up thereof by the Company in the exercise of the powers of this section but such consent shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be decided by the Minister of Health.

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40. Section 35 (Register of meters to be evidence) of the Order of 1890 shall be read and have effect as if the following provision had been inserted at the end of that section :—

Amendment  
of section 35  
of Order of  
1890.

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 water rates are recoverable by the Company.

41. 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 is no occupier then to the owner or lessee of any house building or land in which 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 forenoon 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.

Power to  
remove  
meters and  
fittings.

42. Before any person connects or disconnects any meter or other instrument by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice

Notice to  
Company of  
connection  
or dis-  
connection  
of meters.

A.D. 1935. — in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters or other instruments shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every offence be liable to a penalty not exceeding forty shillings.

Injuring  
meters and  
fittings.

**43.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe or any meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

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

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence

that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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44. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

45. Any person being the owner or occupier of any house or building or premises 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 purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Penalty for opening valves and apparatus.

46. 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 hours of seven and nine in the forenoon and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

Extension of power to inspect premises.

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

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Guarantees  
&c. by  
district  
councils.

**47.**—(1) The council of any county district whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between that 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 which is within the limits of supply.

(2) Subject to the provisions of subsections (4) and (5) of section 190 of the Local Government Act 1933 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

Recovery  
of rates  
from  
persons  
removing.

**48.** 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.

## PART IV.

## FINANCIAL PROVISIONS.

Power to  
Company  
to raise  
additional  
capital.

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

Provided that the Company shall not under the powers of this Act—

- (a) issue any shares of less nominal value than ten pounds; or
- (b) create and issue any greater nominal amount of capital than shall after taking into account the

premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the said sum of thirty-two thousand five hundred pounds :

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Provided also that no such share or stock shall vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

**50.** 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 be subject to same incidents as other shares or stock.

**51.** 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.

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

**52.** The Company shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by this Act than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital nor than six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

Limits of dividend on additional capital.

**53.** If in any year or (if the Company declare a dividend half-yearly) in any half-year the net revenues of the Company applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividends on different classes of ordinary capital.

**54.—(1)** All ordinary or preference shares or stock issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

Sale of shares or stock by auction or tender.

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

Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk to the local authority of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) In the case of a sale by auction no lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of shares or stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company ;
- (e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid ; and
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the 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 to 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only :

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

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

(5) As soon as possible after the conclusion of the sale or sales the 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 obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

**55.** Notwithstanding anything in any Act or Order 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

A.D. 1935. — marginal note is “ Sale of shares or stock by auction or tender.”

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

**56.** 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 before or 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.

Power to offer shares or stock for subscription by public.

**57.** Notwithstanding anything in any Act or Order relating to the Company the Company may with the approval of the Minister of Health and subject to such conditions as the said 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 payment of commission on sale of shares or stock.

**58.** The Company when ordinary or preference shares or stock are to be issued may with the approval of the Minister of Health and subject to such conditions as the said 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 issue of the ordinary or preference shares or stock; and
- (b) nothing in this section shall affect any power of the Company to pay brokerage.

**59.**—(1) The Company may subject to the provisions of this Act but without the certificate of a justice at any time after the passing of this Act 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) twelve thousand seven hundred and eight pounds six shillings and eight pence.

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Power to  
borrow.

(2) The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any share capital issued 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 issued 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. Provided that no sum shall be borrowed in respect of any such share capital 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 share capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

**60.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 20 (Power to create debenture stock) of the Order of 1890.

Debenture  
stock.

**61.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Company or five thousand pounds whichever is the less.

Appoint-  
ment of  
receiver.

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Priority of  
mortgages  
over other  
debts.

**62.** All moneys raised or to be raised by the Company on mortgage or by debenture stock under the provisions of the Camborne Water Acts and Order 1867 to 1935 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—

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

Minimum  
holdings of  
stock and  
debenture  
stock.

**63.**—(1) All ordinary stock and preference stock and debenture stock of the Company shall be issued and be held in amounts of ten pounds or of an integral number of pounds exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of stock of any such class which would make the holding (if any) of the transferor or transferee of stock of that class less than ten pounds or other than an integral number of pounds.

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

Reserve  
fund.

**64.**—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsections (2) and (3) of this section) and any sums so set apart may from time to time be invested in investments in which trustees are authorised by law to invest and the dividends and interest arising from such investments may also be invested in the same or like investments in order

that the same may accumulate at compound interest The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (3) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

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(2) The amount which may be carried by the Company in any year to the reserve fund shall not exceed a sum equal to one per centum of the capital of the Company for the time being authorised.

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

(4) The amount standing to the credit of the reserved fund of the Company at the passing of this Act shall be credited to the reserve fund authorised by this section.

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

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

Redeemable preference shares or stock and debenture stock.

“ Issue ” includes re-issue ;

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

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

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(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 purposes of any enactment regulating the borrowing powers of the Company.

(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 :

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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."

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

Application  
of moneys.

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

Company  
not bound  
to regard  
trusts.

**68.** If any money is payable to a shareholder mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in  
case of  
persons not  
sui juris.

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## PART V.

## ADMINISTRATIVE PROVISIONS.

Meetings of  
Company.

**69.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine.

Quorum  
for general  
meetings.

**70.** The quorum for a general meeting (whether ordinary or extraordinary) shall be shareholders holding in the aggregate not less than three thousand pounds in nominal value of the capital of the Company to which voting rights are attached and being present in person in number not less than seven.

Notices of  
meetings.

**71.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Voting  
rights.

**72.** 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.

As to  
appoint-  
ment of  
proxies.

**73.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy :

Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of

an instrument deposited with the central office of the Supreme Court) an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy. A.D. 1935.  
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**74.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect of such shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof. Joint holders.

**75.** 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. Proof of majority of votes only required when poll demanded.

**76.** 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. Substitution of card index for shareholders' address book.

**77.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company— Register of shareholders and shareholders' address book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register

A.D. 1935.  
—

only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

- (b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

Indemnity  
before  
issue of  
substituted  
certificates  
&c.

**78.** 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.

Qualifica-  
tion of  
director.

**79.** 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 three hundred pounds.

As to  
appoint-  
ment of  
managing  
director.

**80.**—(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.

(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.

(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.

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**81.**—(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 section 18 (Number of directors) of the Act of 1867 shall be deemed to be increased by one so long as the director who has been so appointed is in office as a director :

Appoint-  
ment of  
officers as  
directors.

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.

**82.** 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 :

Directors  
holding  
office under  
or con-  
tracting  
with Com  
pany.

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.

Vacation  
of office of  
director.

**83.** 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 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.

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

**84.**—(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.

(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.

**85.**—(1) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary and preference capital of the Company without the sanction of a general meeting Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital in respect of which the interim dividend is declared.

A.D. 1935.

—  
Interim  
dividends  
and annual  
accounts.

(2) The balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit or loss of the Company relate to the transactions of the Company in the course of the preceding year.

**86.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Remunera-  
tion of  
secretary.

**87.**—(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.

A.D. 1935.

## PART VI.

## MISCELLANEOUS.

Power to  
grant  
pensions &c.

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

(2) The Company may enter into and carry into effect agreements with any insurance company or other association or company for securing gratuities pensions allowances or payments to any employee or the widow family or dependant of any employee.

(3) The Company may subscribe or make donations to any fund raised in case of national emergency or in connection with the industry of water supply and to infirmaries hospitals convalescent homes and other institutions and objects which would be for the benefit of the employees and to the benevolent and sick funds of the employees.

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

Super-  
annuation  
scheme.

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

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

(2) Any scheme establishing a superannuation fund under the powers of this section shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927. A.D. 1935.  
—

**90.** Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the secretary to the Company being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of a collector of the Company being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises. Authentication and service of notices by Company.

**91.** A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or Order from time to time relating to the Company by reason of his being liable to the payment of any water rent meter rent rate or charge. Liability to water rent &c. not to disqualify justices &c.

**92.** 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. Contents of summons &c.

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

**94.** Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may Recovery of penalties &c.

A.D. 1935. — be prosecuted and recovered in a summary manner  
— Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

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

Repeal.

**96.** The following enactments are hereby repealed:—

The Act of 1867—

- Section 10 (Power to borrow on mortgage);
- Section 19 (Qualification of directors);
- Section 39 (Supply of water under pressure);
- Section 40 (Supply of water to tenements in a row);
- Section 46 (Incoming tenant not liable to pay arrears of water rate);
- Section 47 (Undisputed rates may be recovered by distress);
- Section 48 (Costs of distress);
- Section 49 (Several names in one warrant);
- Section 50 (Liability to rates not to disqualify justices);
- Section 51 (Penalties not cumulative).

The Order of 1890—

- The proviso to section 5 (Interpretation);
- Subsection (2) of section 8 (Additional capital);
- Section 10 (Receipt clause in case of person not sui juris);
- Section 17 (Application of premium arising on issue of shares or stock);
- Section 31 (Limits of pressure);
- Section 32 (Water supplied by agreement);

- Section 36 (Amendment of 10 & 11 Vict. c. 17. s. 44); A.D. 1935. —
- Section 37 (When several houses supplied by one pipe each to pay);
- Section 38 (Regulations for preventing waste of water);
- Section 39 (Injuring meters);
- Section 40 (Misuser where supply to several houses is by a pipe common to all).

## The Act of 1908—

- Section 10 (Application of premium arising on issue of shares or stock);
- Section 11 (Power to borrow);
- Section 12 (Appointment of receiver);
- Section 14 (Priority of mortgages and debenture stock over other debts);
- Subsections (2) and (3) of section 19 (Charges for supply of water for other than domestic purposes);
- Section 24 (Power to hold lands for protection of waterworks).

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

A.D. 1935.

[Ch. ci.]

Camborne  
Water Act, 1935.

[25 & 26 GEO. 5.]

The SCHEDULE referred to in the foregoing Act.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AND ORDER AS AT  
31ST DECEMBER 1934.

(A) SHARE CAPITAL.

Act or Order authorising.	Description.	Maximum dividend authorised.	Nominal capital issued.	Premiums received.	Remaining to be issued.	Total authorised.
1867	"A" shares	10 per cent.	£ 12,000	£ s. d. 248 14 6*	£ s. d. — —	£ 12,000
1890	"B" shares	7 per cent.	3,720	1,780 0 0	—	5,500
1908	"B" shares	7 per cent.	23,750	1,246 12 6	3 7 6	25,000
			£39,470	£3,026 12 6	£3 7 6	£42,500

\* Not part of authorised capital.

(B) LOAN CAPITAL.

Act or Order authorising.	Description.	Amount borrowed.	Remaining to be borrowed.	Total amount authorised.
1867	} Debentures } Debentures } Debentures	£ s. d.	£ s. d.	£ s. d.
1890		6,189 11 8	6,518 15 0	3,000 0 0
1908				1,375 0 0
		£6,189 11 8	£6,518 15 0	8,333 6 8
				£12,708 6 8

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