

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]



CHAPTER liv.

An Act to empower the Newquay and District Water Company to extend their limits for the supply of water to empower them to raise further capital to confer further powers upon the Company and for other purposes.

A.D. 1937.

[1st July 1937.]

WHEREAS the Newquay and District Water Company (in this Act referred to as "the Company") are by the Newquay and District Water Acts 1882 to 1928 authorised to construct and maintain waterworks and to supply water within the limits in the county of Cornwall thereby prescribed :

And whereas it is expedient that the limits for the supply of water by the Company should be extended so as to include the portions of the parishes of Crantock and Mawgan-in-Pyder added to the urban district of Newquay by the Cornwall Review Order 1934 :

And whereas it is expedient that the construction of certain works should be confirmed :

And whereas the Company are authorised by the said Acts to raise by the creation and issue of share capital the aggregate amount of fifty-six thousand five hundred pounds and the whole of that amount has been so raised :

And whereas the Company are authorised by the said Acts to raise by borrowing on mortgage of their undertaking or by the creation and issue of debenture

A.D. 1937. — stock an aggregate sum equal to one-half of the amount of their authorised share capital and in pursuance of that power the Company have created and issued debenture stock to the aggregate amount of twenty-eight thousand two hundred and fifty pounds :

And whereas it is expedient that the Company should be authorised to raise additional share and loan capital and that such further provision should be made with respect to the Company and their undertaking as is in this Act contained :

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

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Newquay and District Water Act 1937.

(2) The Newquay and District Water Acts 1882 to 1928 and this Act may be cited together as the Newquay and District Water Acts 1882 to 1937.

Act divided
into Parts.

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

Part I.—Preliminary.

Part II.—Extension of limits of supply.

Part III.—Works and lands.

Part IV.—Supply of water &c.

Part V.—Financial provisions.

Part VI.—Administrative provisions.

Part VII.—Miscellaneous.

Incorpora-
tion of Acts.

3.—(1) The following Acts and parts of Acts (so far as applicable for the purposes of this Act and not inconsistent with the provisions of the existing

Acts and this Act) are hereby incorporated with this Act:— A.D. 1937.

PART I.
—cont.

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement of the Lands Clauses Consolidation Act 1845; 8 & 9 Vict. c. 18.

The Waterworks Clauses Act 1847 except section 7 and 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; 10 & 11 Vict. c. 17.

The Waterworks Clauses Act 1863; 26 & 27 Vict. c. 93.

The Companies Clauses Consolidation Act 1845 as amended by subsequent Acts except the provisions thereof with respect to the conversion of borrowed money into capital; and 8 & 9 Vict. c. 16.

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV. 26 & 27 Vict. c. 118.

(2) Section 22 of the Companies Clauses Act 1863 as amended by subsequent Acts and incorporated with any of the existing Acts and this Act shall in its application to the Company have effect as if the words “and to the same amount as” were omitted therefrom.

4. Notwithstanding anything in the Newquay and District Water Acts 1882 to 1937 sections 76 to 79 (both inclusive) of the Waterworks Clauses Act 1847 shall cease to apply to the Company. As to application of Waterworks Clauses Act 1847.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And unless the context otherwise requires— Interpretation.

“The Company” means the Newquay and District Water Company;

“The Act of 1882” means the Newquay and District Water Act 1882; 45 & 46 Vict. c. cvii.

“The Act of 1907” means the Newquay and District Water Act 1907; 7 Edw. 7. c. xix.

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PART I.

—cont.

18 & 19

Geo. 5.

c. xxiv.

“The Act of 1928” means the Newquay and District Water Act 1928;

“The existing Acts” means the Act of 1882 the Act of 1907 and the Act of 1928;

“The existing limits” means the area within which the Company are authorised to supply water under the Newquay and District Water Acts 1882 to 1928;

“The new limits” means the area described in subsection (1) of the section of this Act of which the marginal note is “Extension of limits of supply”;

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

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

“The Minister” means the Minister of Health;

“The directors” means the directors of the Company; and

“Employees” includes all officers workmen and other persons employed by the Company.

PART II.

EXTENSION OF LIMITS OF SUPPLY.

Extension
of limits of
supply.

6.—(1) The limits within which the Company may supply water and exercise the powers conferred upon them by the Newquay and District Water Acts 1882 to 1937 shall extend to and include in addition to the existing limits so much of the urban district of Newquay as immediately before the coming into operation of the Cornwall Review Order 1934 formed part of the parishes of Crantock and Mawgan-in-Pyder in the county of Cornwall.

(2) Accordingly on and after the passing of this Act the limits of supply shall be and include the following

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areas as respectively constituted at the passing of this Act (that is to say):—

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The urban district of Newquay; and

PART II.
—cont.

The parishes of Colan and Saint Columb Major
in the rural district of Saint Austell;

all in the county of Cornwall.

(3) The Company within the new limits shall have and may exercise all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they have and are subject to within the existing limits Provided that nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of the existing Acts which apply to or affect a special portion only of the undertaking or of the existing limits or are otherwise specifically of limited application.

7.—(1) In relation to the supply of water by the Saint Austell Rural District Council in the parish of Saint Columb Major in the rural district of Saint Austell the Company shall be deemed to have given their consent within the meaning and for the purposes of subsection (2) of section 116 of the Public Health Act 1936 :

For protec-
tion of
Saint Austell
Rural
District
Council.
26 Geo. 5. &
1 Edw. 8.
c. 49.

Provided that such consent shall not include the construction by the said council in the said parish of any work for taking or intercepting water which would cause a diminution in or cesser of the supply of water in any existing work of the Company.

(2) Notwithstanding anything in the proviso to subsection (1) of this section the council may without the consent of the Company for the supply of water to parts of their district construct works near the farm known as "Quoit Farm" in the said parish of Saint Columb Major Provided that no part of such works shall be constructed within one thousand yards of the centre of the disused railway tunnel at Ruthvoes.

(3) The Company shall not without the consent of the said council supply water to any premises in the said parish of Saint Columb Major except by means of a pipe communicating directly with a main of the Company existing at the date of the passing of this Act.

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PART III.

WORKS AND LANDS.

Confirma-
tion and
use of well
and pump-
ing station.

8. The construction of a well and pumping station at Toldish in the parish of Saint Columb Major in the rural district of Saint Austell in the county of Cornwall situate in the enclosure numbered 3166 on the 1/2500 Ordnance map Cornwall sheet XL.8 (Second edition 1907) and the expenditure of money thereon is hereby sanctioned and confirmed and the Company may from time to time alter improve enlarge extend renew reconstruct or discontinue the said well and pumping station and may construct and maintain all such shafts adits headings machinery works and apparatus as may be necessary or convenient in connection with or subsidiary thereto and may retain hold and use for the purposes of the undertaking all or any of the lands or any interest in any lands already acquired by them for the purposes of or in connection with the said well and pumping station.

Power to
take waters.

9. 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 waters which will or may be taken or intercepted by means of the works sanctioned and confirmed by this Act.

Application
of Water-
works
Clauses Act
1847 to dis-
charge pipes
telephones
&c.

10. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road within the limits of supply of any discharge pipes electric cables telephone or telegraph posts wires conductors or apparatus which the Company may determine and which accordingly they are hereby authorised to construct lay down erect or maintain for the purposes of the undertaking :

Provided that the Company shall not construct lay down erect or maintain any discharge pipes electric cables telephone or telegraph posts wires conductors or apparatus in through across or under any street or road belonging to or maintainable by the Great Western Railway Company without the consent in writing of

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such railway company which consent shall not unreasonably be withheld and shall be deemed to have been given if such railway company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent has been unreasonably withheld shall be determined by arbitration.

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PART III.
—cont.

11. Any electrical works cables telephone or telegraph posts wires conductors or apparatus made maintained constructed laid down or erected under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of
Postmaster-General.

32 & 33 Vict.
c. 73.

41 & 42 Vict.
c. 76.

12. The Company may for the purposes of laying pipes for supplying water exercise as regards so much of the road from Trevemper Bridge to the village of Crantock as is in the parish of Cubert in the rural district of Truro the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if so much of such road was within the limits of supply but nothing in this section shall authorise the Company to supply water beyond such limits.

Power to lay mains beyond limits of supply.

13. Where under the powers of any Act or Order relating to them 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 Provided that nothing in this section shall authorise the Company to purchase any lands forming the site of a highway or laid out for the formation of a highway.

Power to purchase lands already subject to easements.

14. The Company in addition to any lands or any easement right or privilege over or in respect of lands vested in them by the existing Acts and this Act and

Power to take additional lands by agreement.

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PART III.
—cont.

any lands which they are otherwise authorised by the said Acts to acquire may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking any lands (not exceeding in the whole thirty acres) or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Company may deem necessary for those purposes. Provided that the Company shall not create or permit a nuisance on such lands and shall not 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.

PART IV.

SUPPLY OF WATER &C.

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

15.—(1) The Minister if he is satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

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

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

(4) (a) An order made under this section shall cease to have effect with respect to any premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing

to give a supply of water to such premises and give not less than three months' notice thereof to the Company. A.D. 1937.

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PART IV.
—cont.

(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.

16.—(1) The Company may—

- (a) on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water; and
- (b) on the application of any person erecting or about to erect any house or other building on any land within the limits of supply to which land access is afforded by a street laid out but not dedicated to public use supply that person with water for use in connection with the erection of such building.

Power to
lay pipes in
private
streets.

(2) For the purposes of this section the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with the existing Acts and this Act and as if the persons having the control or management of the street included the authority by whom the street would be maintained or repaired if it became a highway repairable by the inhabitants at large:

Provided that the powers of this section shall not be exercised in regard to any street or road belonging to and forming the approach to any station or depot of the Great Western Railway Company except with the consent of such railway company which consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

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PART IV.

—cont.

Amendment
of section 11
of Act of
1928.As to
charges for
swimming
baths and
bathing
pools.Charges for
supplies for
refriger-
ating appa-
ratus &c.

17. Section 11 (Supplies to institutions &c.) of the Act of 1928 shall be read and have effect as if the words "hostel assembly hall place of public entertainment" were inserted after the word "hotel" in subsection (1) of that section.

18. Notwithstanding anything in the Newquay and District Water Acts 1882 to 1928 the Company may charge in respect of every swimming bath or bathing pool capable of containing more than seventy gallons such sum as the Company may think fit and any sum charged under this section shall be recoverable in the same manner as water rates.

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

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

he shall notify the Company in writing and the Company may if they think fit require that all water so used shall—

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

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

(3) Any sum chargeable under this section shall be payable at the same time and dates and be recoverable

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in all respects with and in the same manner as water rates.

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PART IV.

—cont.

Charges for
horses and
washing
vehicles.

20.—(1) Where a person who takes a supply of water for domestic purposes from the Company desires to use the water for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where a horse carriage or motor car is kept the Company may if a hosepipe or other similar apparatus be used charge (except where the water so used is taken by measure) such sum not exceeding twenty shillings per annum as they may prescribe and a further sum not exceeding ten shillings per annum for every motor car beyond the first Provided that if a stand-pipe or tap be fixed on such premises but no hosepipe or other similar apparatus be used in connection therewith the Company may charge such sums as they may prescribe not exceeding one-half the respective sums chargeable where a hosepipe or other similar apparatus is used.

(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 same manner as the said rates.

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

21.—(1) Where the net annual value of a house supplied with water by the Company does not exceed thirteen pounds the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that

Rates
payable by
owners of
small
houses.

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PART IV.
—cont.

no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

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

Rates payable on connected premises in one occupation.

22. Where two or more houses or buildings or parts of a house or building or parts of two or more houses or buildings are connected by any means of communication not being a public highway and are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company (otherwise than by measure) to any one or more of such two or more houses or buildings or parts of a house or building or parts of two or more houses or buildings to be one tenement having a gross estimated rental equal to the aggregate of the gross estimated rentals of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Recovery of rates from persons removing.

23. If a justice be satisfied on complaint by any officer 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 rate or sum which may be due from him to the Company and intends to evade payment of that rate or sum by departing from the said premises the justice may (in addition to issuing a summons for non-payment of the rate or sum) issue a warrant under his hand authorising any officer of the Company to seize forthwith and detain the goods and chattels of such person until the complaint is determined on the return of the summons.

Stop-cocks &c. to be fitted in communication pipes.

24.—(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

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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.

(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.

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

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PART IV.

—cont.

Separate
communica-
tion pipes
may be
required.

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PART IV.
—cont.

(2) If the owner of any house or building or part of a house or building occupied as a separate tenement which is supplied with water by the Company and into which the Company shall have required a separate communication pipe to be laid pursuant to the preceding subsection shall for a period of one month after the receipt of notice from the Company requiring him so to do fail to provide a separate communication pipe from the main of the Company into such house or building or part of a house or building 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.

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

26.—(1) For the purpose of complying with any obligations under the Waterworks Clauses Acts 1847 and 1863 the person liable to maintain repair renew or remove any pipe or apparatus shall have the like power to open the ground as is conferred upon the owner or occupier of a dwelling-house 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.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or any apparatus connected with a communication pipe and for that purpose to open or break up any street execute such 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 recoverable from the owner or occupier with whom the agreement is made.

Amendment
of section 20
of Act of
1928.

27. Section 20 (As to register of meter) of the Act of 1928 shall have effect as if the words “if a surcharge” were inserted in subsection (2) thereof after the words “as the case may be and.”

Amendment
of section 57
of Act of
1882.

28. Section 57 (Power to Company to supply materials &c.) of the Act of 1882 shall be read and have effect as if the following provisions had been inserted at the end of that section:—

“If any fittings let for hire by the Company shall bear either a distinguishing metal plate

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affixed to them or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners of the fittings those fittings shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that nothing in this provision shall affect the amount of the valuation for rating of any rateable hereditament."

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PART IV.
—cont.

29.—(1) In addition to the powers conferred by section 35 (Byelaws for preventing waste of water) of the Act of 1907 the Company may make byelaws requiring all hot-water installations to be provided with suitable flow and return pipes and 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.

Extension of
powers for
preventing
waste of
water &c.

(2) 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.

23 & 24
Geo. 5. c. 51.

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

(4) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything

A.D. 1937. 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.

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PART IV.
—cont.

Cisterns.

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

Amendment
of section 34
of Act of
1907.

31. Section 34 (Detection of waste) of the Act of 1907 shall be read and have effect as though the words "measuring the quantity of water supplied or" had been inserted therein before the word "preventing."

Entry on
premises for
authorised
cutting off.

32. Where in any case the Company are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman or duly authorised agent of the Company may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof enter the premises 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 cutting off any pipe by which the water is supplied to the premises. If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Amendment
of section 23
of Act of
1928.

33. Section 23 (Extension of power to inspect premises) of the Act of 1928 shall have effect as if the words "between the hours of seven and nine in the forenoon and also" were inserted therein after the words "at all reasonable times."

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34. All costs and expenses which shall be recoverable by the Company under the sections of this Act of which the marginal notes are respectively—

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PART IV.

—cont.

Recovery of
costs and
expenses.

“ Stop-cocks &c. to be fitted in communication pipes ”;

“ Separate communication pipes may be required ”;

“ Opening of ground by persons liable to maintain pipes &c.”; and

“ Extension of powers for preventing waste of water &c.”;

shall be recoverable summarily as a civil debt from the owner or occupier of the premises supplied with water or other person from whom they are due.

PART V.

FINANCIAL PROVISIONS.

35. In addition to the capital already authorised to be raised by the Company the Company may from time to time raise additional capital not exceeding in the whole forty-five thousand 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 :

Power to
Company
to raise
additional
capital.

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

(a) issue any shares of less nominal value than five 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 forty-five thousand pounds.

36. The Company shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by the section of this Act of which the marginal note is “ Power to

Limits of
dividend on
additional
capital.

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PART V.
—cont.

Company to raise additional capital ” than seven pounds in respect of every one hundred pounds actually paid up or of so much of such capital as may be issued as ordinary capital except so far as a larger dividend may at any time be necessary to make up the deficiency of any previous dividend which shall have fallen short of the said seven pounds per centum per annum or than such dividend (not exceeding 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 as the directors may determine at the time or times of the creation or issue thereof.

Dividends
on different
classes of
ordinary
capital.

37. 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 rate of dividend on each class of ordinary shares or stock in the capital of the Company such revenue shall be applied in the first place in payment of dividend on all ordinary capital of the Company at an equal rate up to five per centum on the nominal value of such capital and the balance (if any) in payment of dividend upon ordinary capital of the Company entitled to a higher rate of dividend than five per centum at an equal rate up to the prescribed maximum rate of dividend on that capital.

Power to
borrow.

38. 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 said thirtieth day of September any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such share capital. But no sum shall be borrowed in respect of any such share capital until the Company have proved to the 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.

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

39. Section 29 (Appointment of receiver) of the Act of 1928 is hereby repealed but without prejudice to any appointment made thereunder or to any proceedings pending at the passing of this Act. The mortgagees of the Company 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 five thousand pounds in the whole.

A.D. 1937.
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PART V.
—cont.
Appoint-
ment of
receiver.

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

Limitation
on carry
forward.

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

41.—(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 Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which

Reserve
fund.

A.D. 1937.

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PART V.
—cont.

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.

(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 issued other than loan capital.

(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 issued other than loan capital and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

Limit on
contingency
fund.

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

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

Redeemable
preference
capital and
debenture
stock.

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

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

“ Issue ” includes re-issue;

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

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

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

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock Provided that no redeemed stock shall be issued except for the purposes of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors 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 reasonable interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

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

A.D. 1937.

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PART V.

—cont.

A.D. 1937.

—
PART V.
—cont.

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

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 26 (New shares or stock to be sold by auction or tender) of the Act of 1928.

Company
not bound
to regard
trusts.

44. 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

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

stock of the Company as if the same were shares in the capital of the Company. A.D. 1937.

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PART V.

—cont.

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

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

46.—(1) All money raised under this Act or under any other Act relating to the Company including premiums (after deducting therefrom the expenses of and incidental to the issue of the shares stock or debenture stock) 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 any such shares stock or debenture stock shall not be considered as part of the capital of the Company entitled to dividend. Application of money.

(2) The Company may apply to any of the purposes of this Act any money which they have raised or may raise under the existing Acts.

PART VI.

ADMINISTRATIVE PROVISIONS.

47. In this Part of this Act—

the words "share" and "shares" include stock but not debenture stock;

the word "shareholder" includes stockholder but not the holder of debenture stock.

Meaning of share and shareholder in Part VI.

A.D. 1937.

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PART VI.
—cont.
Meetings of
Company.

48. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or the existing Acts the ordinary meetings of the Company shall (unless the Company by a resolution of a general meeting otherwise determine) be held once only in each year in the month of March or in such other month as the directors may from time to time prescribe and at such place and time as the directors may from time to time determine.

Notices of
meetings.

49. 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 as a prepaid letter not later than the time hereby prescribed.

Quorum for
meetings.

50. For the purpose of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be three holders of shares.

Voting
rights and
votes at
meetings.

51.—(1) Every question submitted to a general meeting of the Company shall be decided in the first instance by a show of hands and if there be an equality of votes on a show of hands the chairman shall have a casting vote in addition to the vote to which he may be entitled as a shareholder.

(2) At every general meeting of the Company every holder of ordinary capital and of any preference capital to which voting rights are attached by the resolution creating such capital shall be entitled to one vote and an additional vote for each complete ten pounds in the nominal value of the said capital held by him beyond ten pounds.

(3) Where a corporate body being a holder of shares in the capital of the Company and entitled to

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

vote at a general meeting is present by a proxy who is not a holder of such shares the proxy shall be entitled to vote for the corporate body on a show of hands.

A.D. 1937.

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PART VI.
—cont.

52. The proviso to section 34 (Appointment of proxies) of the Act of 1928 is hereby repealed and from and after the passing of this Act the following proviso shall be deemed to be substituted therefor:—

Amendment
of section 34
of Act of
1928.

“ Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company or if the instrument has been deposited in the Central Office of the Supreme Court of Judicature an office copy thereof shall be transmitted to the secretary of the Company before or at the same time as the instrument appointing the proxy.”

53. If any money is payable to a shareholder debenture stock holder or mortgagee being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

Receipts of
minors.

54. 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 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 interest or dividend represented thereby.

Indemnity
before issue
of substi-
tuted certi-
ficates &c.

55.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person

Notice of
candidature
of or of
opposition
to re-elec-
tion of
director.

A.D. 1937.

PART VI.
—cont.

intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company seven days at least before the day of election and the secretary of the Company shall during such seven days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

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

Contracts
&c. not to
disqualify
for office of
director.

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

For the purposes of proviso (a) to this subsection a general notice given to the directors by one of them to the effect that he is a member of a specified company

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

A.D. 1937.

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PART VI.
—cont.

57. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors holding office shall be less than three the directors shall not act except for the purpose of filling vacancies and allotting shares to any proposed director or directors.

Continuing
directors.

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

Managing
director.

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

(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 exerciseable 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.

59.—(1) The directors with the consent of a general meeting of the Company may at any time appoint any general manager or secretary of the Company to be a director and for such purpose the maximum number of directors prescribed by section 36 (Number of directors) of the Act of 1928 shall be deemed to be increased by one so long as the director who has been so appointed is in office as a director Provided that 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.

Appoint-
ment of
officers as
directors.

A.D. 1937.

—
PART VI.
—cont.

(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 general manager or secretary as the case may be.

Substitution
of card index
for share-
holders' ad-
dress book.

60. 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 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.

As to regis-
ter of share-
holders.

61. Notwithstanding anything in the Companies Clauses Consolidation Act 1845—

- (a) the Company may substitute for the register of shareholders a loose leaf register of a type to be approved by the auditors of the Company and any register so approved shall be deemed to be a book for the purposes of the said Act;
- (b) it shall not be obligatory upon the Company to authenticate by the affixing of their common seal or otherwise any such register; and
- (c) it shall not be obligatory upon the Company 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 only containing such particulars as are required by that Act to be entered in the register of shareholders and the shareholders' address book respectively.

Annual
accounts.

62. If and so long as the ordinary meetings of the Company shall be held once only in each year 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 and loss of the Company relate to the transactions of the Company in the course of the preceding year.

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

63.—(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.

A.D. 1937.

—
PART VI.

—cont.
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 of the Company 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 of the Company shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

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

PART VII.

MISCELLANEOUS.

64.—(1) The Company may grant such reasonable gratuities pensions and superannuation allowances or make such other reasonable 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.

Power to
grant pen-
sions &c.

(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.

A.D. 1937.

PART VII.
—cont.

(3) The Company may subscribe or make donations to any national charitable benevolent scientific literary educational religious or public object or to or towards any exhibition or trade society or to or towards any object likely to promote the interests of the Company.

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

Contribu-
tory pen-
sions fund.

65.—(1) In addition to the powers conferred on the Company by the last preceding section of this Act the Company may if they think fit establish and maintain a fund to be called "the pensions fund" and pay out of the pensions fund gratuities of any sum or pensions or other allowances or benefits to any employees of the Company who may be contributors to the fund or to the widow family or dependants of any such employees and the pensions fund shall be applicable only for the payment of such gratuities pensions allowances and benefits as aforesaid and for no other purpose whatsoever.

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

(3) The Company may apply the revenues of the Company for all or any of the purposes of this section including the purpose of maintaining the pensions fund at an adequate amount.

(4) No employee of the Company shall be required to become a contributor to any pensions fund established under this section until the fund has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

17 & 18
Geo. 5. c. 41.Purchase
of water
in bulk.

66. The Company may enter into and carry into effect agreements with any authority company body or person supplying water under parliamentary

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other authority company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of the undertaking.

A.D. 1937.

—
PART VII.
—cont.

67.—(1) Section 31 (Rates for supply of water for domestic purposes) of the Act of 1907 shall be read and have effect as if the gross estimated rental in the first year of any quinquennial period under the Rating and Valuation Acts were ascertained by the valuation list in force during the last year of the previous quinquennial period.

Amendment
of section 31
of Act of
1907.

(2) Where the gross value of any premises does not appear in the valuation list it shall be assessed by the Company and such assessment shall have effect until the commencement of the quarter next after that quarter during which the gross value has been finally determined for the purposes of and inserted in the valuation list.

68.—(1) Any notice to be served by the Company shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors or by the name of the officer being printed or stamped on the notice.

Authenti-
cation and
service of
notices by
Company.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or 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.

A.D. 1937.

PART VII.

—cont.

Saving
rights of
Duchy of
Cornwall.26 & 27 Vict.
c. 49.

69. Nothing in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said duchy) the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges or authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Arbitration

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

Contents of
summons
&c.

71. Where the payment of more than one sum by any person is due under any one or more of the Acts from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

[1 EDW. 8. &
1 GEO. 6.]

*Newquay and District
Water Act, 1937.*

[Ch. liv.]

72. The provisions contained in the sections of the Act of 1907 the numbers and marginal notes of which are specified hereunder shall extend and apply as if they were also set forth and enacted in this Act (that is to say):—

A.D. 1937.

—
PART VII.

—cont.

Incorporation of provisions of Act of 1907.

The Act of 1907—

Section 30 (Limit of pressure);

Section 48 (Except as otherwise provided new shares or stock to be subject to same incidents as existing shares or stock);

Section 49 (Restriction as to votes in respect of preferential shares or stock);

Section 60 (Debenture stock);

Section 62 (Priority of money raised on mortgage or debenture stock over other claims).

73. The following enactments are hereby Repealed:—

The Act of 1882—

Section 4 (Limits of Act);

Section 9 (Calls);

Section 22 (Contracts not to disqualify for office of director);

Section 32 (Company may sell spare lands of undertaking);

Section 59 (Company not bound to supply several houses by one pipe).

The Act of 1907—

Section 4 (Limits of supply defined);

Section 43 (Power to lay pipes in streets not dedicated to public use);

Section 64 (Form and service of notices by Company).

The Act of 1928—

Section 12 (Charges for supplies for refrigerating apparatus);

[Ch. liv.]

*Newquay and District
Water Act, 1937*

[1 EDW. 8. &
1 GEO. 6.]

A.D. 1937.

—
PART VII.
—cont.

Section 16 (As to provision of separate pipe);
Section 30 (Redeemable preference capital and
debenture stock);
Section 40 (Several sums in one summons).

Costs of Act.

74. 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.

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