

EDW. 8. &
GEO. 6.]

*Pontypool Gas and Water
Act, 1937.*

[Ch. lxvi.]



CHAPTER lxvi.

An Act to provide for the transfer to the Pontypool Gas and Water Company of the undertaking of the Usk Water Works Company Limited to extend the limits of the Pontypool Gas and Water Company for the supply of water and to authorise them to construct new works and to raise additional capital and for other purposes. A.D. 1937.
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[6th July 1937.]

WHEREAS the Pontypool Gas and Water Company (hereinafter referred to as "the Company") are by the Pontypool Gas and Water Acts and Orders 1873 to 1936 authorised to construct and maintain gasworks and waterworks and to supply gas and water within the limits in the county of Monmouth thereby prescribed :

And whereas the Usk Water Works Company Limited (hereinafter referred to as "the Usk Company") are by the Usk Water Order 1890 (confirmed by the Water Orders Confirmation (No. 2) Act 1890) authorised to construct and maintain waterworks and to supply water within the limits in the county of Monmouth thereby prescribed :

53 & 54 Vict.
c. ci.

And whereas the Company have agreed with the Usk Company for the acquisition by the Company of the undertaking of the Usk Company on the terms set forth in this Act and it is expedient that such acquisition be sanctioned and that the limits within which the Company may supply water be extended

A.D. 1937. — to include the areas in which the Usk Company are now supplying water and other areas :

And whereas the demand for water within the limits of the Company for the supply of water has increased and is increasing and in order to enable the Company to make proper provision for this increasing demand it is expedient that the Company be empowered to make and maintain the works in this Act mentioned :

And whereas the authorised stock and share capital of the Company under the Pontypool Gas and Water Acts and Orders 1873 to 1935 amounts in the aggregate to one hundred and eighty-nine thousand nine hundred and forty pounds of which one hundred and sixty-two thousand nine hundred and seventy pounds had been issued on the thirty-first day of December nineteen hundred and thirty-six :

And whereas by the Pontypool Gas Order 1936 the authorised capital of the Company was increased by twenty-one thousand pounds subject to a reduction of that amount in circumstances mentioned in the Order :

19 & 20

Geo. 5. c. 24.

And whereas the Company are authorised by the Pontypool Gas and Water Acts and Orders 1873 to 1935 to raise by borrowing on mortgage of their undertaking or by the creation and issue of debenture stock the sum of fifty-six thousand one hundred and twenty-five pounds and are also authorised by the Gas Undertakings Act 1929 to raise by borrowing on mortgage of their gas undertaking or by the creation and issue of debenture stock an amount not exceeding one-half of the aggregate amount of the paid-up share capital for the time being of that undertaking and of any premiums paid in respect thereof and in pursuance of the foregoing powers the Company had on the thirty-first day of December nineteen hundred and thirty-six issued debenture stock to the aggregate amount of forty-seven thousand one hundred and thirty-five pounds :

And whereas the issued capital of the Usk Company consists of eight hundred shares of five pounds each fully paid up and that Company have also issued debenture bonds bearing interest at five per centum per annum amounting to nine hundred and fifty pounds :

And whereas it is expedient that the Company be authorised to raise further share and loan capital and that further powers be conferred on the Company and further provision be made with reference to their undertaking as in this Act contained : A.D. 1937.
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And whereas it is expedient that the other provisions of this Act be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which may be taken or used compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands respectively have been deposited with the clerk of the county council of the administrative county of Monmouth and are in this Act respectively referred to as the deposited plans the deposited sections and the deposited book of reference :

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.

1.—(1) This Act may be cited as the Pontypool Gas and Water Act 1937. Short and collective titles.

(2) The Pontypool Gas and Water Acts and Orders 1873 to 1936 and this Act may be cited together as the Pontypool Gas and Water Acts and Orders 1873 to 1937.

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

Part I.—Preliminary.

Part II.—Transfer of undertaking of Usk Company.

Part III.—Extension of water limits.

A.D. 1937.	Part IV.—Works and lands.
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PART I.	Part V.—Supply of water.
— <i>coni.</i>	Part VI.—Supply of gas.
	Part VII.—Financial provisions.
	Part VIII.—Administrative provisions.
	Part IX.—Miscellaneous.

Incorporation of Acts. **3.**—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes of this Act and not inconsistent with the provisions of the Pontypool Gas and Water Acts and Orders 1873 to 1936 or this Act) are hereby incorporated with this Act:—

8 & 9 Vict. c. 16.	The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital;
26 & 27 Vict. c. 118.	The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV;
8 & 9 Vict. c. 18.	The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands;
10 & 11 Vict. c. 17.	The Waterworks Clauses Act 1847 except the words in section 44 “with the consent in writing” of the owner or reputed owner of any such “house or of the agent of such owner”;
26 & 27 Vict. c. 93.	The Waterworks Clauses Act 1863 except section 12;
10 & 11 Vict. c. 15.	The Gasworks Clauses Act 1847;
34 & 35 Vict. c. 41.	The Gasworks Clauses Act 1871.

(2) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and section 12 of the Waterworks Clauses Act 1863 shall cease to apply to the Company or to be incorporated with any Act or Order relating to the Company.

Interpretation. **4.** 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

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1 GEO. 6.] Act, 1937.

meanings unless there be something in the subject A.D. 1937.
or context repugnant to such construction And—

PART I.
—cont.

“the Company” means the Pontypool Gas and Water Company;

“the directors” means the directors of the Company;

“employee” includes any officer workman or other person employed by the Company but does not include any director of the Company other than a person appointed a director by virtue of the provisions of section 26 (Appointment of officers as directors) of the Gas Undertakings Act 1934;

24 & 25
Geo. 5. c. 28.

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

“Pontypool shares” means ordinary shares of ten pounds each in the capital of the Company entitled to a maximum dividend of seven per centum per annum;

“Pontypool debenture stock” means debenture stock of the Company entitled to interest at the rate of four per centum per annum;

“the Act of 1873” means the Pontypool Gas and Water Act 1873; 36 & 37 Vict. c. lvii.

“the Act of 1890” means the Pontypool Gas and Water Act 1890; 53 & 54 Vict. c. lxxviii.

“the Act of 1909” means the Pontypool Gas and Water Act 1909; 9 Edw. 7. c. xxx.

“the Act of 1918” means the Pontypool Gas and Water Act 1918; 8 & 9 Geo. 5. c. x.

“the Order of 1921” means the Pontypool Gas Order 1921 (S.R. & O. 1921 No. 1340);

“the Order of 1936” means the Pontypool Gas Order 1936 (S.R. & O. 1936 No. 1343);

“the Usk Company” means the Usk Water Works Company Limited;

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

A.D. 1937.

PART I.
—cont.

- “the Usk undertaking” means the undertaking of the Usk Company and includes all wells boreholes pumping stations reservoirs mains pipes and other waterworks lands buildings goods chattels stocks and stores of all kinds moneys credits bills notes powers rights privileges and authorities and all other the real and personal property whatsoever and wheresoever of or belonging to or in any way attaching to or vested in the Usk Company at the date of transfer including things in action and the full benefit of all contracts and agreements entered into by the Usk Company which shall be subsisting at that date but subject (except as in this Act otherwise expressly provided) to all debts liabilities and obligations of the Usk Company which shall be subsisting at that date;
- “Usk shares” means shares of five pounds each in the capital of the Usk Company;
- “Usk debenture bonds” means debenture bonds issued by the Usk Company and entitled to interest at the rate of five per centum per annum;
- “the date of transfer” means the first day of October nineteen hundred and thirty-seven;
- “the existing water limits” means the limits within which the Company are authorised to supply water at the passing of this Act;
- “the Usk limits” means the areas described in Part I of the First Schedule to this Act being the limits within which the Usk Company are authorised to supply water by the Order of 1890;
- “the new water limits” means the areas described in Part II of the First Schedule to this Act;
- “the water limits” means the limits within which the Company are for the time being authorised to supply water;
- “the new waterworks” means the works authorised by section 30 (Power to make new waterworks) of this Act;

“ the gas limits ” means the limits within which the Company are for the time being authorised to supply gas ;

“ the Minister ” means the Minister of Health.

A.D. 1937.
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PART I.
—cont.

PART II.

TRANSFER OF UNDERTAKING OF USK COMPANY.

5.—(1) As on and from the date of transfer the Usk undertaking shall by virtue of this Act be transferred to and vested in the Company on and subject to the terms and conditions of this Act and shall form part of the undertaking.

Transfer to Company of Usk undertaking and dissolution of Usk Company.

(2) As on and from the date of transfer and subject to the provisions of the next succeeding section of this Act the Usk Company shall be and are hereby dissolved.

6. Notwithstanding anything contained in this Act the Usk Company shall for the purpose of enforcing the provisions of any agreement entered into between that company and the Company before the date of transfer and for that purpose only continue incorporated until the expiration of three months from the date of transfer or for such longer period as may be necessary for the purposes of any proceedings for enforcing any such agreement which may be pending at the expiration of the said period of three months but on and from the expiration of the last-mentioned period or of such longer period as aforesaid the Usk Company shall be and are hereby finally dissolved :

Usk Company to continue incorporated for specified purpose.

Provided that nothing in this section shall postpone or interfere with the transfer to and vesting in the Company of the Usk undertaking as provided by the last preceding section of this Act or postpone or affect the operation of any other provisions of this Act.

7.—(1) In consideration for the transfer to the Company of the Usk undertaking the Company as soon as reasonably practicable after the date of transfer shall (subject to the provisions of subsections (2) and (3) of this section)—

Consideration for transfer.

(a) issue to each holder at that date of Usk shares one Pontypool share for every two Usk shares held by him ;

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PART II.
—cont.

(b) pay to each holder at that date of Usk shares the sum of two pounds in cash for each Usk share held by him;

(c) issue to each holder at that date of Usk debenture bonds one hundred pounds (nominal amount) of Pontypool debenture stock for each one hundred pounds (nominal amount) of Usk debenture bonds held by him and so in proportion for any less amount than one hundred pounds (nominal amount) of Usk debenture bonds held by him.

(2) Where under subsection (1) of this section any holder of Usk shares would be entitled to receive a number of Pontypool shares which includes a fraction of a share the Company shall pay to him in cash a sum equal to the value of such fraction calculated according to the market value of such share at the date of transfer as certified by the secretary of the Newport (Mon.) Stock Exchange and issue to him the number of Pontypool shares to which he shall be entitled as aforesaid excluding the fraction of a share.

(3) Where under subsection (1) of this section any holder of Usk debenture bonds would be entitled to receive Pontypool debenture stock he shall at his option be entitled to require the Company to pay to him in cash a sum equal to one hundred pounds for each one hundred pounds (nominal) of Usk debenture bonds so held by him and so in proportion for any less amount than one hundred pounds (nominal) together with interest at the rate of five per centum per annum on the debenture bonds so held by him from the date up to which such interest was last paid to the date on which cash is paid to him in accordance with his requirement.

Creation of shares and debenture stock of Company for purposes of transfer.

8.—(1) On the date of transfer there shall be created by virtue of this Act and without any further or other authority—

(i) such number of Pontypool shares; and

(ii) such nominal amount of Pontypool debenture stock;

as shall be requisite to give effect to the provisions of the immediately preceding section of this Act.

(2) The Company shall as soon as practicable after the date of transfer register in their books the holders of Usk shares and Usk debenture bonds as holders of the number of Pontypool shares or the nominal amount of Pontypool debenture stock to which such holders respectively are entitled under the provisions of the immediately preceding section of this Act.

A.D. 1937.

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PART II.
—cont.

9.—(1) The Pontypool shares to be issued under the foregoing provisions of this Act to the holders of Usk shares shall be deemed to be fully paid up and to rank in all respects *pari passu* with and to confer the like rights of voting and otherwise and the like powers and privileges as are conferred by or attach to the Pontypool shares existing at the date of transfer. The shares to be issued as aforesaid and the said existing shares shall be deemed for all purposes to form part of one and the same class of ordinary capital.

Rights of holders of substituted Pontypool shares.

(2) The Pontypool shares so to be issued shall rank for dividend as from the date of transfer and as from that date the Usk shares shall cease to rank for dividend.

10.—(1) The Pontypool debenture stock to be issued under the foregoing provisions of this Act to the holders of Usk debenture bonds shall be deemed to be fully paid up and to rank (both as to principal and interest) in all respects *pari passu* with and to confer the like rights powers and privileges as are conferred by or attach to the Pontypool debenture stock existing at the date of transfer. The debenture stock to be issued as aforesaid and the said existing debenture stock shall be deemed for all purposes to form part of one and the same class of debenture stock.

Ranking of substituted Pontypool debenture stock and interest thereon.

(2) The Pontypool debenture stock so to be issued shall carry interest as from the date of transfer and as from that date the Usk debenture bonds shall cease to carry interest.

(3) If the Usk Company shall not prior to the date of transfer have paid interest on the Usk debenture bonds in respect of any period ending on the day before the date of transfer the Company shall within one month after the date of transfer pay to the persons who at that date are the holders of such debenture bonds interest thereon for the said period at the rate of five per centum per annum.

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PART II.
—cont.

Payment of
dividend on
Usk shares
up to date of
transfer.

11.—(1) The Company shall as soon as reasonably practicable after the date of transfer prepare separate accounts of the Usk undertaking for the nine months ending on the day before the date of transfer and those accounts shall be audited by the auditors of the Company and of the Usk Company together.

(2) As soon as reasonably practicable after the said accounts have been audited the Company shall (if and so far as the assets or profits available for payment of dividend on the Usk shares as shown by such accounts are sufficient for the purpose) pay to the persons who at the date of transfer are holders of Usk shares a dividend on their shares in respect of the nine months ending on the day before the date of transfer at a rate not exceeding the rate per annum which the Usk Company would have been authorised to declare and pay in respect of the said period if this Act had not been passed or the rate per annum paid by the Usk Company in respect of the corresponding part of the year nineteen hundred and thirty-five whichever is the less but deducting any amounts which shall have been paid before the date of transfer to the holders of any Usk shares as interim dividends in respect of any part of the said nine months.

Usk Com-
pany's books
to be evi-
dence as to
holders of
Usk securi-
ties.

12.—(1) The several persons who at the date of transfer appear in the registers of the Usk Company as holders of Usk shares or Usk debenture bonds or the respective executors or administrators of those persons shall for the purposes of this Act and subject to the provisions of section 16 (Transfers bequests &c. of Usk securities although by present name to be valid) of this Act be deemed to be the holders of Usk shares and Usk debenture bonds at the date of transfer of the respective numbers or amounts stated in those registers and on and after the date of transfer the registers of transfers of Usk shares and Usk debenture bonds shall be permanently closed and (except as provided by the said section 16) no transfer of any Usk shares or Usk debenture bonds made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates of Pontypool shares and Pontypool debenture stock

in accordance with the foregoing provisions of this Act to the persons who appear by the said registers to be the holders at the date of transfer of Usk shares or Usk debenture bonds or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the said section 16 shall be a sufficient discharge to the Company for all purposes except in respect of any sums of cash payable to any holders of Usk shares or Usk debenture bonds under the foregoing provisions of this Act.

A.D. 1937.

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PART II.
—cont.

(3) The receipt of any person who appears by the said registers to be the holder at the date of transfer of any Usk shares or Usk debenture bonds or of the executors or administrators of any such person for any sum of cash payable to such holder under the foregoing provisions of this Act and the receipt of any person entitled to any sum of cash pursuant to the said section 16 for the sum of cash so payable to him shall be a sufficient discharge to the Company in respect of that sum of cash.

13. The Pontypool shares and the Pontypool debenture stock of which the holders of Usk shares or Usk debenture bonds are pursuant to the foregoing provisions of this Act registered as the holders and any sums of cash paid by the Company to such holders pursuant to those provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the Usk shares or Usk debenture bonds for which such Pontypool shares or Pontypool debenture stock and sums of cash are respectively substituted were held immediately before the date of transfer and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such Usk shares or Usk debenture bonds and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the Pontypool shares or Pontypool debenture stock of which they are pursuant to the foregoing provisions of this Act registered as the holders and any sums of cash paid to them under those provisions

Substituted
Pontypool
securities
to be held
on same
trusts &c.
as Usk
securities.

A.D. 1937. in substitution for the Usk shares or Usk debenture bonds held by them and may (subject to the provisions of this Act) hold dispose of or otherwise deal with such shares or debenture stock and sums of cash in all respects as they might have held disposed of or otherwise dealt with the Usk shares or Usk debenture bonds for which the same are substituted.

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PART II.
—cont.

Existing certificates &c. to be called in and others issued.

14. The Company shall as soon as practicable after the date of transfer call in the certificates of Usk shares and the Usk debenture bonds and issue free of charge in exchange for those certificates or bonds to the respective holders thereof certificates of Pontypool shares and Pontypool debenture stock of the respective numbers or amounts to which those holders under the foregoing provisions of this Act respectively are entitled but no such holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate or bond for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require :

Provided that from the date of transfer until the issue of such new certificates the holders of certificates of Usk shares and Usk debenture bonds shall (according to the respective numbers of Pontypool shares or respective amounts of Pontypool debenture stock created under the foregoing provisions of this Act in substitution for the Usk shares or Usk debenture bonds which such certificates respectively represent) have and possess the same rights and advantages as if they were certificates for those respective numbers of Pontypool shares or amounts of Pontypool debenture stock created as aforesaid but if any holder of Usk shares or Usk debenture bonds neglect or omit to send or deliver to the Company his existing certificate or certificates or bond or bonds for the period of six months after notice in writing sent by post to the address appearing in the books of the Usk Company the Company may suspend the payment of any dividend declared or made payable or interest due on or in respect of the Pontypool shares or Pontypool debenture stock so substituted as aforesaid until such existing certificate or certificates

or bond or bonds is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect thereof as the directors may require.

A.D. 1937.

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PART II.
—cont.

15.—(1) Where the Company are for six months after the date of transfer unable after reasonable inquiry to ascertain the person entitled to any certificate of Pontypool shares or Pontypool debenture stock or any sum of cash under the foregoing provisions of this Act or where any person entitled to any such certificate or sum of cash cannot give an effectual receipt the Company shall transfer the shares and debenture stock and pay the sum of cash to the Accountant-General for and on behalf of the Supreme Court of Judicature in England under any Act in force for the relief of trustees.

Transfer of
Pontypool
securities
and pay-
ment of cash
into court
in certain
cases.

(2) Every such transfer and payment shall discharge the Company from all liability with respect to the Pontypool shares and Pontypool debenture stock so transferred and the cash so paid and for the purposes of this Act the certificate relating to such shares or debenture stock and the cash respectively shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court that he is entitled thereto may obtain transfer of the Pontypool shares or Pontypool debenture stock and payment of the cash accordingly.

16.—(1) All transfers or other dispositions of any Usk shares or Usk debenture bonds made but not registered prior to the issue to the holders thereof respectively of the certificates of Pontypool shares or Pontypool debenture stock and the payment of the sums of cash (if any) to which those holders are respectively entitled under the foregoing provisions of this Act shall notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of Pontypool shares or respective amounts of Pontypool debenture stock and sums of cash (if any) which represent the Usk shares or Usk debenture bonds thereby expressed to be transferred or disposed of and are

Transfers
bequests &c.
of Usk
securities
although
by present
name to be
valid.

A.D. 1937. or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same as Usk shares or Usk debenture bonds.

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PART II.
—cont.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number or nominal amount of Usk shares or Usk debenture bonds respectively shall be held to apply (subject to the provisions of subsections (2) and (3) of section 7 (Consideration for transfer) of this Act) to the number of Pontypool shares or the nominal amount of Pontypool debenture stock which under the provisions of this Act are to be issued in substitution for such specific number or nominal amount of Usk shares or Usk debenture bonds.

Pending actions.

17. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Usk Company the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Company of the Usk undertaking or of anything in this Act but the same may be continued prosecuted or enforced by against or in favour of the Company as and when it might have been continued prosecuted or enforced by against or in favour of the Usk Company if this Act had not been passed but not further or otherwise.

Usk rates rents and charges.

18. All rates rents and charges and other sums which at the date of transfer are due or payable or accruing due or payable to the Usk Company shall continue to be due and payable to and may be collected recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the Usk Company might have collected recovered and enforced the same and shall belong to the Company for their own benefit.

Contracts to be binding.

19. All contracts agreements conveyances deeds leases and other instruments affecting the Usk Company and in force at the date of transfer shall as from that date be as binding and of as full force and effect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Usk Company

the Company had been a party thereto or bound thereby or entitled to the benefit thereof: A.D. 1937.

Provided that no contract or agreement (except contracts entered into in the ordinary course of business by the Usk Company) and no conveyance or other instrument made or entered into by the Usk Company subsequent to the fourth day of November nineteen hundred and thirty-six and extending beyond the date of transfer or involving the Company in any liability shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company.

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PART II.
—cont.

20. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Usk Company shall be admitted in evidence in respect of the same or the like matter for or against the Company. Books &c. to remain evidence.

21. All officers of the Usk Company and other persons who at the date of transfer have in their possession or under their control any books deeds plans documents papers moneys or effects forming part of or relating to the Usk undertaking shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers or persons had been appointed by and become possessed of such books deeds plans documents papers moneys or effects for the Company. Usk officers &c. to be accountable for books &c.

22.—(1) The directors of the Usk Company who hold office on the date of transfer shall retire from office as from that date (except that the said directors shall continue to act as directors of the Usk Company without remuneration so long as that company shall continue incorporated pursuant to section 6 (Usk Company to continue incorporated for specified purpose) of this Act) and the Company shall as soon as reasonably practicable after the date of transfer pay to each of those directors who also held office as such director on the fourth day of November nineteen hundred and thirty-six as compensation for loss of office a sum of money equivalent to seven years' purchase of the amount of his remuneration as a director of the Usk Company according As to directors and auditor of Usk Company.

A.D. 1937. to the rate of such remuneration for the year nineteen hundred and thirty-five.

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PART II.
—cont.

(2) The auditor of the Usk Company who holds office on the date of transfer shall retire from office as from that date (except that such auditor shall continue to hold office for the purpose of auditing the accounts of the Usk Company in accordance with the provisions of section 11 (Payment of dividend on Usk shares up to date of transfer) of this Act) and the Company shall as soon as reasonably practicable after the date of transfer pay to that auditor (provided he held office as such auditor on the fourth day of November nineteen hundred and thirty-six) as compensation for loss of office a sum of money equivalent to three years' purchase of the amount of his remuneration as auditor of the Usk Company according to the rate of such remuneration for the year nineteen hundred and thirty-five.

Reserve fund and renewal fund of Usk Company.

23. All moneys or securities standing to the credit of the reserve fund and the renewal fund of the Usk Company at the date of transfer shall be credited to and form part of the contingency fund of the Company.

Usk Company to carry on undertaking until date of transfer.

24. During such period (if any) as shall elapse between the date of the passing of this Act and the date of transfer the Usk Company may and shall to the best of their ability and with due diligence maintain and carry on the Usk undertaking on behalf and for the account of the Company and for that purpose may exercise all or any of the rights powers privileges and liberties and shall discharge all the duties obligations and liabilities under the Order of 1890 to the same extent as if this Act had not been passed but so that the Usk Company and the Company shall respectively comply with the obligations in relation to the carrying on of the Usk undertaking contained in any agreement between the Usk Company and the Company for or relating to the transfer to the Company of that undertaking.

Notice of dissolution of Usk Company to be delivered to Registrar of Companies.

25. Within one month after the final dissolution of the Usk Company under the provisions of this Act the Company shall deliver to the Registrar of Companies a notice of such dissolution stating the date on which the same took effect and shall pay to the registrar a filing fee of five shillings for registration of such notice.

PART III.

A.D. 1937.

EXTENSION OF WATER LIMITS.

26.—(1) As on and from the date of transfer the limits within which the Company may supply water and exercise the powers of the Pontypool Gas and Water Acts and Orders 1873 to 1937 so far as the same relate to the supply of water shall be extended so as to include the Usk limits and the new water limits.

Extension
of limits of
water
supply.

(2) Except as by this Act otherwise expressly provided the Company within the Usk limits and the new water limits shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing water limits.

(3) The Company may continue maintain and use any reservoirs mains pipes and other works constructed or laid within the Usk limits by the Usk Company before the date of transfer and the provisions of the Pontypool Gas and Water Acts and Orders 1873 to 1937 so far as the same relate to the supply of water shall (except as by this Act otherwise expressly provided) apply to the said reservoirs mains pipes and works in all respects as if they had been constructed under the authority of those Acts and Orders.

(4) Section 13 (For the protection of the Great Western Railway Company) of the Act of 1890 shall in its application to the new limits be read and construed as if the following paragraph were inserted after paragraph (F) thereof:—

Any additional expense which the Great Western Company may reasonably incur in pursuance of any powers existing at the passing of this Act in widening altering reconstructing repairing or maintaining their railway or other works by reason of the existence of the works of the Company laid or executed under the powers of this Act upon across over or under the same shall be paid by the Company.

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PART III.
—cont.
Certain provisions of Pontypool Acts not to apply in Usk limits or new water limits.

27. Notwithstanding anything in this Act the provisions of section 13 (For the protection of the Great Western Railway Company) of the Act of 1890 and of section 20 (As to Company's liability for supply of water and repeal of section 55 of Act of 1873) of the Act of 1909 shall not extend to or be in force within the Usk limits and the provisions of section 56 (Rate at which water is to be supplied for domestic purposes) and section 58 (Rates for waterclosets and baths) of the Act of 1873 and of section 33 (As to charges for baths) of the Act of 1909 shall not extend to or be in force within the Usk limits or the new water limits.

Partial repeal of Order of 1890.

28.—(1) The Order of 1890 (except the provisions thereof set forth in the Second Schedule to this Act) shall as from the date of transfer be repealed.

(2) The said excepted provisions shall (notwithstanding anything in this Act) continue in force and apply to the Company as from the date of transfer and for that purpose shall be construed and have effect as if in those provisions—

the expression "the Undertakers" meant the Company;

the expression "rateable value" meant net annual value;

any other necessary modification was made therein :

Provided that the following provisions shall be in force and only apply within the Usk limits :—

Section 15 (For protection of Great Western Railway Company);

Section 16 (As to pipes crossing the works of a railway or other company);

Section 17 (Limits of pressure);

and the following provisions shall be in force and only apply within the Usk limits and the new water limits :—

Section 18 (Rates for supply for domestic purposes);

Section 19 (Rates for waterclosets &c.).

As to laying of main within new water limits.

29. The Company shall within two years after the date of the passing of this Act (subject to their obtaining a Special Order under the Gas Undertakings Acts 1920

to 1934 authorising them to acquire the undertaking of the Usk Gas Company Limited and to the coming into operation of that Order so far as it relates to the acquisition of that undertaking) lay a water main in that part of the road leading from Usk to Pontypool which is situate within the new water limits and will after such main has been laid supply water to premises within the new water limits situate in or near that part of that road subject to the provisions of the Pontypool Gas and Water Acts and Orders 1873 to 1937 and the Acts incorporated therewith.

A.D. 1937.

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PART III.
—cont.

PART IV.

WORKS AND LANDS.

30. The Company may make and maintain in the urban district of Pontypool in the county of Monmouth the following works in the lines or situations and in under or upon the lands delineated on the deposited plans in connection with those works and according to the levels shown on the deposited sections:—

Power to
make new
waterworks.

- (1) An intake and collecting chamber in or across or adjacent to the stream formed by the Lower Folly Springs on the westerly side of the road adjacent thereto:
- (2) A line or lines of collecting pipes (No. 1) commencing in the drainage channel on the west side of the road adjacent to the Lower Folly Springs two chains or thereabouts south of the said stream and terminating in the said intake and collecting chamber:
- (3) A line or lines of pipes (No. 2) commencing in the said intake and collecting chamber and terminating in the pumping station next described:
- (4) A pumping station situate in the enclosure numbered 12 in the parish of Llanvihangel-Pontymoil (which parish now forms part of the parish of Panteg) on the 1/2500 Ordnance map edition of 1920 Monmouthshire sheet XVIII.11:
- (5) A line or lines of pipes (No. 3) commencing in the said pumping station and terminating in the existing collecting chamber of the Upper Folly Springs.

A.D. 1937.

PART IV.

—cont.

Power to make subsidiary works.

31. In addition to the new waterworks the Company may on in or under the lands shown on the deposited plans and described in the deposited book of reference in connection with the new waterworks make and maintain all such cuts channels catchwaters tunnels adits headings drifts pipes conduits culverts drains sluices byewashes shafts water towers overflows wastewater channels gauges filters tanks chambers banks walls fences bridges embankments piers approaches engines machinery telegraphs telephones and appliances as may be necessary or convenient in connection with or subsidiary to the new waterworks or any of them or necessary or convenient for the purpose of augmenting or improving the supply of water :

32 & 33 Vict. c. 73. Provided that any electrical works telegraphs telephones or appliances made or maintained under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent 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.

41 & 42 Vict. c. 76.

Limits of deviation.

32. In the construction of the new waterworks the Company may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent :

Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground.

Period for completion of new waterworks.

33. If the new waterworks are not completed within five years from the date of the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto respectively shall cease except as to so much thereof as is then completed :

Provided that subject to the restrictions and provisions of this Act the Company may at any time after the expiration of the said period lay down additional lines of pipes as part of the line or lines of pipes by this

Act authorised and alter enlarge extend and renew the new waterworks or any of them as they may think expedient to provide for the requirements of their water supply.

A.D. 1937.

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PART IV.
—cont.

34. The Company may for the purposes of their water undertaking collect take divert convey impound use and appropriate the waters of the Lower Folly Springs and the stream formed thereby and all such other springs or waters as will or may be intercepted by the intake and collecting chamber and the line or lines of collecting pipes (No. 1) and any works in connection therewith by this Act authorised or as may be found in on or under any of the lands included within the limits of deviation for the said intake and collecting chamber and line or lines of collecting pipes as shown on the deposited plans or in on or under the lands described in paragraph (ii) of subsection (1) of section 36 (Power to acquire lands) of this Act and shown on the deposited plans.

Power to
take waters.

35.—(1) Notwithstanding anything in this Act the Company shall continue to allow to flow down the streams leading from the two springs known as the Upper Folly Springs twelve thousand gallons of water per day as provided by section 9 (Limiting quantity of water to be taken from the Folly Springs) of the Act of 1890.

Limiting
powers of
Company
to abstract
water.

(2) The Company shall on every day allow to flow down the stream leading from the Lower Folly Springs not less than seventeen thousand gallons of water (including the twelve thousand gallons referred to in the preceding subsection of this section) measured as hereinafter provided except on any day when the flow of water in such stream is less than seventeen thousand gallons as so measured and on such day the Company shall not take any water from such stream or the Lower Folly Springs.

(3) The Company shall erect and maintain at a point situate at a distance of one chain or thereabouts below the intake and collecting chamber by this Act authorised a suitable gauge for measuring the quantity of water which may be flowing down the last-mentioned stream which gauge shall be open to the inspection and examination of the owner or owners for the time being

A.D. 1937. of the Pontypool Park Estate and his or their tenants and any person duly authorised in that behalf by such owner or owners If and whenever the said gauge shall be in bad repair or condition and not put into good repair or condition by the Company within seven days after notice in writing so to do given to them by or on behalf of such owner or owners or any of such tenants such owner or owners or tenants may put the gauge into good repair and condition and recover the reasonable expense thereof with costs of suit in any court of competent jurisdiction.

PART IV.
—cont.

Power to
acquire
lands.

36.—(1) The Company may enter upon take and use—

- (i) For the purposes of or in connection with the new waterworks such of the lands shown on the deposited plans and described in the deposited book of reference in connection with the new waterworks as they may require;
- (ii) For the purpose of protecting from pollution fouling or contamination waters which they are by the Act of 1909 or the Act of 1918 or this Act authorised to appropriate and use and for other purposes of their undertaking including the purposes of subsection (2) of this section the following lands shown on the deposited plans and described in the deposited book of reference :—

Lands at Cwmavon in the parish and urban district of Blaenavon in the county of Monmouth comprising the enclosures numbered respectively 602 603 604 605 605A 606 607 608 609 611 612 614 615 616 618 618A 619 620 621 and 624 and part of the enclosure numbered 622 in the said parish on the 1/2500 Ordnance map edition of 1920 Monmouthshire sheet XVIII.2.

(2) The Company may on the lands described in paragraph (ii) of subsection (1) of this section construct tunnels adits drifts headings pipes conduits filters tanks and other works in connection with the intake tank (B) the construction of which was authorised by the Act of 1909 for the purpose of collecting diverting conveying obtaining raising using appropriating and

distributing any springs or other waters situate on or under or flowing in under or upon those lands. A.D. 1937.

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PART IV.
—cont.
Confirma-
tion of
purchase of
certain
springs and
streams.

37. The purchase by the Company from the Reform Brewery Company Limited of the springs and streams of water flowing in under through and upon the land delineated on the plan endorsed on the conveyance set forth in the Third Schedule to this Act and thereon surrounded by a red verge line and hereinafter described and of the other interests and rights therein mentioned is hereby ratified and the said conveyance is hereby confirmed and made binding and the Company may appropriate and use the said springs and streams for the purpose of the undertaking :

Provided that the terms of the said conveyance may from time to time be varied by agreement between the Company and the owners for the time being of the land hereinafter described.

The land above referred to is the land at Cwmavon in the parish and urban district of Blaenavon in the county of Monmouth comprising the enclosures numbered 622 and 624A in the said parish on the 1/2500 Ordnance map edition of 1920 Monmouthshire sheet XVIII.2.

38.—(1) The Company may in lieu of acquiring any lands for the purposes of the new waterworks so far as the same are intended to be constructed underground acquire such easements and rights in such lands as they may require for such purposes and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Company
may acquire
easements
only for
certain
works.

(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 passed.

A.D. 1937.

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PART IV.
—cont.

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

Persons
under
disability
may grant
easements
&c.

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

Correction
of errors in
deposited
plans and
book of
reference.

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

[1 EDW. 8. & Pontypool Gas and Water [Ch. lxvi.]
1 GEO. 6.] Act, 1937.

the Company to take the lands and execute the works in accordance with such certificate. A.D. 1937.

41.—(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 :

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 and this Act 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.

PART IV.
—cont.
Power to hold lands and exercise powers for protection of waters.

A.D. 1937.

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PART IV.
—cont.
Additional
lands by
agreement.

42. In addition to the lands now held or occupied by them and any other lands which they may acquire or hold under the powers of the Pontypool Gas and Water Acts and Orders 1873 to 1936 or this Act the Company may from time to time by agreement purchase or acquire and hold for the purposes of the undertaking any lands not exceeding in the whole fifty acres :

Provided that the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for their employees and such buildings and works as may be incident to or connected with the undertaking and no such lands shall be used by the Company for the purpose of manufacturing gas or residual products.

Retention
and disposal
of lands.

43. Notwithstanding anything in the Pontypool Gas and Water Acts and Orders 1873 to 1936 or this Act or any Act incorporated therewith respectively the Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of to such persons in such manner for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired or held by them under any Act or Order from time to time relating to the Company or any interests in any such lands and may sell exchange or dispose of any rent reserved on the sale lease exchange or disposition of such lands or interests and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take money for equality of exchange.

Reservation
of water
rights &c.

44. The Company on selling any lands held by them for the purposes of the undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit

of manure sewage or other impure matter and otherwise as they may think fit. A.D. 1937.

PART IV.
—cont.

PART V.

SUPPLY OF WATER.

45.—(1) The Minister if satisfied that the owner or occupier of any premises outside the water limits 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. Supply of water to premises outside water limits.

(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) When the local authority within whose area or the undertakers for the supply of water within whose limits of supply any premises with respect to which an order shall have been made under this section are situate are able and willing to provide a supply of water to those premises and have given notice to the Company of their desire to supply water to those premises such order shall cease to have effect as from the expiration of three months from the giving of such notice.

(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 expenditure incurred by the Company in giving a supply to the premises as may be agreed or failing agreement determined by arbitration.

(5) The charge made by the Company for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would

A.D. 1937. be made by the Company for water supplied for a similar purpose within the water limits.

PART V.

—cont.

As to streets forming boundary of water limits.

46.—(1) Where the water limits are bounded by or abut on any street which is wholly or for part of its width outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting on that street and being within the water limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits and subject to the like conditions.

(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 where such street forms the boundary of or abuts on the water limits the whole width of the street were within those limits.

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

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

Special terms for supplies to caravans shacks &c.

47.—(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.

A.D. 1937.

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PART V.
—cont.

(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 court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Company shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority of the district in which such caravan shack hut tent or structure is situate objects to the supply being given.

(4) For the purpose of ascertaining whether or not the local authority of the district in which the caravan shack hut tent or structure is situate objects to such supply being given the Company shall before affording such supply give to such local authority not less than twenty-eight days' notice in writing of their intention to do so.

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

Charges for
supplies for
refrigerating
apparatus
&c.

- (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 cleaning regenerating motive power or similar purposes;

A.D. 1937. the Company may if they think fit require that all water so used shall—

PART V.
—cont.

- (i) be paid for at such rates as may be agreed between such person and the Company; or
- (ii) be taken by meter and paid for accordingly and in that event the minimum charge for the water shall be two pounds per annum.

(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.

Charges for horses and washing vehicles.

49.—(1) Where a person who takes from the Company a supply of water for domestic purposes is the occupier of stables garages or other premises where horses or motorcars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing motorcars or carriages or other purposes in or in connection with such premises the Company may—

- (a) if the water so used can be taken from a standpipe or tap (not being a standpipe or tap within any dwelling-house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such standpipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more motorcars or carriages than one are kept a further sum not exceeding five shillings for each motorcar or carriage beyond the first; and
- (b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more motorcars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motorcar or carriage beyond the first.

[1 EDW. 8. & Pontypool Gas and Water [Ch. lxvi.]
1 GEO. 6.] Act, 1937.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

A.D. 1937.

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PART V.
—cont.

(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 hosepipe or other similar apparatus for horses or for washing motorcars or other carriages or for other purposes in or in connection with stables garages or premises where horses motorcars or other carriages are kept the Company may require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by the Company by meter.

50. 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 meter) 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 (in the case of houses or buildings or parts of a house or building or of houses or buildings situate wholly or partly within the existing water limits) a gross value and (in any other case) a net annual value equal to the aggregate of the gross values or the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Rates payable on connected premises in one occupation.

51.—(1) Section 31 (Byelaws for preventing waste &c. of water) of the Act of 1909 shall extend to enable the Company to make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus which are fixed or placed after the passing

Extension of section 31 of Act of 1909.

A.D. 1937. of this Act in any premises supplied by the Company with water and prescribing the charge to be made for such testing and stamping.
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PART V.
—cont.

(2) Nothing in this section or in any byelaws made thereunder shall apply to any water fittings or apparatus used on any premises (not being a dwelling-house) belonging to and forming part of the railway of a railway company so long as such fittings and apparatus do not cause waste undue consumption misuse or contamination of water supplied by the Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of subsection (1) 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.

23 & 24
Geo. 5. c. 51. (4) (a) All byelaws made after the passing of this Act under the said section 31 as extended by this section shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 (Procedure &c. for making byelaws) and in section 251 (Fines for offences against byelaws) and section 252 (Evidence of byelaws) of the Local Government Act 1933 The confirming authority for the purposes of the said section 250 shall be the Minister.

(b) The provisions contained in subsection (7) of the said section 250 and in the said section 251 and section 252 shall apply to any byelaws made before the passing of this Act under the said section 31.

(c) For the purposes of this section the said provisions of the Local Government Act 1933 shall be construed as if the Company were a local authority within the meaning of those provisions and the secretary of the Company were the clerk of the local authority.

Separate
communi-
cation pipes
may be
required.

52.—(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

A.D. 1937.

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PART V.
—cont.
Power to
Company to
repair com-
munication
pipes.

55. 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 or apparatus connected with a communication pipe and being a pipe or apparatus which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe or apparatus as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe or apparatus 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 if the communication pipe or apparatus is repairable by the occupier of such premises from the occupier :

Provided that except in emergency the Company shall not under the powers of this section enter any house or private premises unless they shall have given to the occupier of such house or premises and (if the communication pipe or apparatus 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.

Power to
remove
meters and
fittings.

56. The Company by their agents or workmen after forty-eight hours' notice in writing 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.

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.

A.D. 1937.

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PART V.
—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.

53. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by a duly authorised officer of the Company.

Maintenance of common pipe.

54. Notwithstanding anything in any Act or Order relating to the Company the Company shall have the exclusive right of executing any work on any of the mains of the Company for connecting any communication or service pipe 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 recoverable from the owner or occupier so requesting.

Company to connect communication and service pipes with mains.

A.D. 1937.

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PART V.
—cont.
Purchase of
water in
bulk.

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

PART VI.

SUPPLY OF GAS.

As to
streets
forming
boundary of
gas limits.

61.—(1) Where the gas limits are bounded by or abut on any street which is wholly or for part of its width outside those limits the Company may for the purpose of supplying gas to the owner or occupier of any premises abutting on that street and being within the gas limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the gas limits and subject to the like conditions.

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

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

Relief from
obligation
to supply.

62.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply of the Company for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Company

57. 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 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 :

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PART V.
—cont.
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.

58. 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 :

Penalty for
closing
valves and
apparatus.

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

59. 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.

notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

A.D. 1937.

—
PART VI.

—cont.

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or
- (ii) to make such payment to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand.

(3) If any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to

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PART VI.
—cont.

payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

(4) In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations :—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply.

For preven-
tion of
improper
use of gas.

63. If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any consumer the Company may if they think fit cease to supply gas to such person.

Inspection
and testing
of gas
meters.

64.—(1) The Company's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters which are the property of the Company and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Company.

10 & 11
Geo. 5. c. 28.

(2) The expense of changing and testing such a meter which at the request of a consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the

degree permissible under the said regulations shall be borne by the Company but if the meter has been found not so to register erroneously shall be borne by the consumer.

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PART VI.
—cont.

PART VII.

FINANCIAL PROVISIONS.

65.—(1) The Company may from time to time raise additional capital not exceeding in the whole thirty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively:

Additional capital.

Provided that it shall not be lawful for the Company—

- (a) to issue any share of less nominal value than ten pounds; or
- (b) to create and issue any greater nominal amount of capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be paid or allowed on the issue thereof the sum of thirty thousand pounds.

(2) Any sum raised under the powers of this section may be applied to the purposes of the water undertaking of the Company or of the gas undertaking of the Company (being purposes to which capital is properly applicable) as the Company may determine.

66. The authorised capital of the Company shall be increased—

Increase of authorised capital of Company.

- (a) as from the passing of this Act by additional capital sufficient to produce including premiums the sum of thirty thousand pounds being the additional capital authorised by the last preceding section of this Act; and
- (b) as from the date of transfer by four thousand pounds to be issued in accordance with section 7 (Consideration for transfer) of this Act in place of the Usk shares or such less amount as may be required by reason of subsection (2) of that section.

A.D. 1937.

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PART VII.
—cont.
Application
of former
enactments.

67. The following sections of the Act of 1909 the Act of 1918 and the Order of 1936 shall so far as the same are applicable extend and apply to and for the purposes of this Act as if the same were with any necessary modifications re-enacted in this Act :—

The Act of 1909—

Section 60 (As to voting in respect of preference capital);

Section 61 (Incidents of additional capital);

Section 63 (Dividends on different classes of shares to be paid rateably);

Section 70 (Priority of mortgages over other debts);

Section 71 (Application of moneys).

The Act of 1918—

Section 54 (As to appointment of a receiver);

Section 55 (Debenture stock).

The Order of 1936—

Section 25 (Limit of dividend on additional capital);

Section 27 (Priority of principal moneys secured by existing mortgages).

Sale of
shares or
stock by
auction or
tender.

68.—(1) All ordinary or preference shares or stock issued by the Company after the passing of this Act shall except as otherwise expressly authorised by this Act be issued in accordance with the provisions of this section.

(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 borough or district wholly or partly within the gas limits or the water limits 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 gas limits and the water limits;

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PART VII.
—cont.

- (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 Board of Trade 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 or of any consumer of gas or 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 employees and to the consumers of gas or 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 :

A.D. 1937.

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PART VII.
—cont.

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 Board of Trade 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.

Power to offer capital for subscription by public employees and consumers.

69. Notwithstanding anything in this Act or in any Act or Order relating to the Company the Company may with the consent of the Minister and subject to such conditions as he may impose offer for subscription by the public or by the consumers of gas or water supplied by the Company or by employees any ordinary or preference shares or stock which they may for the time being be authorised to issue without offering the same for sale by public auction or tender.

Power to borrow.

70.—(1) (a) The Company may at any time borrow on mortgage of the undertaking in respect of the capital of the Company issued prior to the thirty-first day of December nineteen hundred and thirty-six and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 any sum or sums not exceeding (inclusive of the amount raised by any debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the total sum of eighty-one thousand four hundred and eighty-five pounds.

(b) The powers of borrowing conferred by this subsection shall supersede any powers conferred by the Pontypool Gas and Water Acts and Orders 1873 to 1935 or by the Gas Undertakings Act 1929 of borrowing

19 & 20
Geo. 5. c. 24.

in respect of the capital of the Company so issued as aforesaid so far as those powers have not already been exercised.

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PART VII.
—cont.

(2) The Company may also borrow on mortgage of the undertaking 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 or is deemed to have been actually paid up on any ordinary and preference shares or stock issued after the thirty-first day of December nineteen hundred and thirty-six and in the case of any capital raised by the issue of redeemable preference shares or stock has not been redeemed by paying off the shares or stock. But no sum shall be borrowed in respect of any capital so issued until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital together with the premiums (if any) realised on the sale thereof has been or is deemed to have been fully paid up.

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

Redeemable preference capital and debenture stock.

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

“preference stock” includes preference shares;

“issue” includes re-issue;

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

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

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

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

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PART VII.
—cont.

(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 :

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

[1 EDW. 8. & Pontypool Gas and Water [Ch. lxvi.]
1 GEO. 6.] Act, 1937.

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.

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PART VII.

—cont.

(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 68 (Sale of shares or stock by auction or tender) of this Act.

(8) Section 4 (Power for certain undertakers to issue redeemable preference and debenture stock) of the Gas Undertakings Act 1934 shall cease to apply to the Company.

72.—(1) The Company when ordinary or preference shares or stock or debenture stock are to be issued may with the approval of the Minister and subject to such conditions as he may impose pay a commission not exceeding three 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 debenture stock or procuring or agreeing to procure subscriptions whether absolute or conditional therefor :

Commis-
sions on sale
of shares or
stock or
debenture
stock.

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 or debenture stock; and
- (b) nothing in this section shall affect any power of the Company to pay brokerage.

(2) Section 3 (Power for certain undertakers to pay underwriting commission) of the Gas Undertakings Act 1934 shall cease to apply to the Company.

73. 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

Company
not bound
to regard
trusts.

A.D. 1937. 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.

PART VII.
—cont.

Company may incur temporary loans.

74.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise money on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years.

(2) The powers of borrowing or raising money conferred by this section shall be in addition to any powers for the time being of the Company to borrow on mortgage of the undertaking or to raise money by the issue of debenture stock.

(3) The aggregate amount outstanding at any one time of the money borrowed or raised under this section shall not exceed twenty thousand pounds.

Purchase of debenture stock by agreement.

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

(2) Any 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 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 reborrowing by the Company shall apply accordingly.

PART VIII.

ADMINISTRATIVE PROVISIONS.

Meaning of share and shareholder in Part VIII.

76. In this Part of this Act—

The words “share” and “shares” include stock but not debenture stock;

The word “shareholder” includes a stockholder but not a holder of debenture stock.

[1 EDW. 8. & Pontypool Gas and Water [Ch. lxvi.]
1 GEO. 6.] Act, 1937.

77.—(1) 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 :

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PART VIII.

—cont.
Notice of
meetings.

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.

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

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 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 debenture stock interest or dividend represented thereby.

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

79.—(1) 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 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 :

As to
directors.

A.D. 1937.

Provided that—

PART VIII.
—cont.

- (a) If a director is or becomes interested in any contract with the Company (whether such interest shall arise before or after his appointment as a director) the nature of his interest in the contract shall be declared 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.

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 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.

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

(3) 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 five the directors shall not act except for the purpose of filling vacancies and allotting stock to any proposed director or directors.

(4) If any director shall devote to the business of the Company either his whole time and attention or more of his time and attention than in the opinion of the directors would usually be so devoted by a person holding such office or shall undertake or perform any duties or services other than those which in the opinion of the directors would usually be undertaken or performed by a person holding such office or shall be called upon to perform and shall perform extra services for any of the purposes of the Company then and in any of such cases the directors may remunerate the director so doing either by a fixed sum annual or otherwise or in such other manner as shall be determined by the directors and such remuneration may at the discretion of the directors be either in addition to or in substitution for all or any part of any other remuneration to which such director may be entitled :

A.D. 1937.
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PART VIII.
—cont.

Provided that the amount of such remuneration shall be disclosed in the next annual report of the directors or in the next annual account of the Company.

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 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 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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PART VIII.

—cont.

Register of shareholders and shareholders' address book.

81. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

- (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 only containing such particulars as are required by that 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.

As to auditors.

82.—(1) (a) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting of the Company as auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company ten days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company.

(b) The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such ten days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(2) 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 of the Company.

PART IX.

MISCELLANEOUS.

Power to grant pensions &c.

83.—(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. A.D. 1937.

PART IX.
—cont.

(2) The Company may enter into and carry into effect agreements with any insurance company or other association or company for securing to any employee or the widow family or dependant of any employee such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(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.

84.—(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 who may be contributors to the fund or to the widow family or dependants of any such employees and the pension fund shall be applicable only for the payment of such gratuities pensions allowances and benefits as aforesaid and for no other purpose whatsoever. Contributory pensions fund.

(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 or any classes of the employees may or shall become contributors to the pensions fund and the contributions to be made by the employees and the gratuities pensions allowances or benefits to which such contributors shall be entitled:

Provided that no such modification alteration or rescission of any such scheme shall place any person who at the date of such modification alteration or rescission is a contributor to the pensions fund or entitled under such scheme to a gratuity pension or other allowance or benefit in a worse position than he would have been if such modification alteration or rescission had not been made.

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PART IX.
—cont.

(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.

17 & 18
Geo. 5. c. 41.

(4) No employee 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.

Recovery of
rates from
persons
removing.

85. 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 gas or 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.

As to
recovery of
sums due
for fittings
&c.

86. If the Company commence proceedings against any consumer for the summary recovery of any sum due for a supply of gas or water any other sum due or payable to the Company by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of gas or water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of gas or water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Liability to
gas or water
charge &c.
not to dis-
qualify
justices &c.

87. 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 or any rate or charge in respect of the supply to him of gas or water.

88. 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 be prosecuted and recovered in a summary manner :

A.D. 1937.

—

PART IX.

—cont.

Recovery of penalties &c.

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.

89. Subject to any express provision of this Act in respect of any arbitration thereunder the Arbitration Acts 1889 to 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to every arbitration under this Act.

Arbitrations.

90. The following provisions are hereby repealed :—

Repeal.

The Act of 1873—

Section 38 (Members of boards &c. not disqualified).

The Act of 1890—

Section 20 (Leasing &c. of superfluous lands);

Section 29 (New shares or stock to be offered by auction or tender);

Section 30 (Time for paying up shares or stock sold by auction);

Section 31 (Notice to be given as to sale &c. of shares or stock);

Section 32 (Shares or stock not sold by auction or by tender to be offered to shareholders).

The Act of 1909—

Subsections (3) and (4) of section 31 (Byelaws for preventing waste &c. of water);

Section 35 (Company not bound to supply several houses with water by one pipe);

Section 64 (New shares or stock to be sold by auction or tender).

A.D. 1937.

PART IX.
—cont.

The Act of 1918—

Section 24 (Supply of water by hosepipe for washing carriages &c.);

Section 36 (Amending obligations as to supply of gas);

Section 48 (For protection of Westlake's Brewery Limited);

Section 56 (Issue of redeemable preference capital and debenture stock);

So much of section 59 (Application of sections of Act of 1909) as relates to section 64 (New shares or stock to be sold by auction or tender) of the Act of 1909;

Section 71 (Power to grant pensions &c.).

The Order of 1921—

So much of section 25 (Application of former enactments) as relates to section 64 (New shares or stock to be sold by auction or tender) of the Act of 1909 and to section 56 (Issue of redeemable preference capital and debenture stock) of the Act of 1918.

The Order of 1936—

So much of section 26 (Application of former enactments) as relates to section 64 (New shares or stock to be sold by auction or tender) of the Act of 1909.

Costs of Act.

91. 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.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1937.

FIRST SCHEDULE.

PART I.

THE USK LIMITS.

In the county of Monmouth—

So much of the urban district of Usk as is bounded by a line commencing at the point at which the boundary between that urban district and the parish of Gwehelog Fawr intersects the boundary between that urban district and the parish of Llanbadoc Fawr proceeding thence along the last-mentioned boundary to a point therein seventy-two yards north-east of the ordnance bench mark at St. Madoc's Church thence in a straight line in a north-easterly direction to a point in the boundary between the urban district of Usk and the parish of Llantrisant Fawr in the centre of Olway Brook twenty-five chains measured along the course of that brook south of Olway Bridge thence in a northerly direction along the last-mentioned boundary to the northern side of Olway Bridge thence in a straight line in a north-westerly direction to the easternmost point of the buildings forming part of Castle Farm thence in a straight line in a north-north-easterly direction to a point in the boundary between the said urban district and the parish of Gwehelog Fawr twenty-two yards measured along that boundary south-east of the northernmost corner of the enclosure numbered 12 in the said urban district on the 1/2500 Ordnance map edition of 1921 Monmouthshire sheet XIX.15 thence in a westerly direction along that boundary to the point of commencement.

In the rural district of Pontypool—

So much of the parish of Gwehelog Fawr as is bounded by a line commencing at a point in the boundary between that parish and the urban district of Usk twenty-two yards measured along that boundary south-east of the northernmost corner of the enclosure numbered 12 in the said urban district on the 1/2500 Ordnance map edition of 1921 Monmouthshire sheet XIX.15 proceeding thence in a straight line in a north-north-easterly direction to the south-easterly

A.D. 1937.

—
1ST SCH.
—cont.

corner of the enclosure numbered 517 in the said parish on the 1/2500 Ordnance map edition of 1920 Monmouthshire sheet XIX.11 thence in a westerly direction in a straight line to the Ordnance bench mark on the westerly boundary of the enclosure numbered 389 in the said parish on the 1/2500 Ordnance map edition of 1921 Monmouthshire sheet XIX.10 thence in continuation of that line in a straight line to the boundary between the parish of Gwehelog Fawr and the parish of Llanbadoc Fawr thence in a southerly direction along the last-mentioned boundary to the point at which it intersects the boundary between the parish of Gwehelog Fawr and the urban district of Usk thence in an easterly direction along the last-mentioned boundary to the point of commencement.

So much of the parish of Llanbadoc Fawr as is bounded by a line commencing in the boundary between that parish and the parish of Gwehelog Fawr on the easterly side of the ford leading to Kemeys Commander proceeding thence in a straight line in a south-westerly direction along the easterly side of that ford to the southern bank of the river Usk thence in a straight line in a south-easterly direction to the southernmost point of the enclosure numbered 39 in the parish of Llanbadoc Fawr on the 1/2500 Ordnance map edition of 1921 Monmouthshire sheet XIX.10 thence in a south-south-easterly direction to the south-eastern corner of the enclosure numbered 56 in the parish of Llanbadoc Fawr on the last-mentioned sheet of the said Ordnance map thence in a south-easterly direction in a straight line to the bridge over the Great Western Railway (Ross and Little Mill Branch) at Rhadyr Corn Mill thence in a south-easterly direction along that line of railway for a distance of forty chains thence in a southerly direction parallel with the river Usk and eight chains therefrom to Twyn Bell House thence in a straight line drawn due east to the boundary between the parish of Llanbadoc Fawr and the urban district of Usk thence generally in a north-westerly direction along that boundary and along the boundary between the parish of Llanbadoc Fawr and the parish of Gwehelog Fawr to the point of commencement.

PART II.

THE NEW WATER LIMITS.

In the county of Monmouth—

So much of the urban district of Usk as is not within the Usk limits.

In the rural district of Pontypool—

So much of the parish of Llanbadoc Fawr as is not within the Usk limits and lies to the north of a straight line drawn from the point at which the boundary

between that parish and the parish of Goetre Fawr intersects the boundary between the parish of Llanbadoc Fawr and the urban district of Pontypool to the point at which the boundary between the urban district of Usk and the parish of Llantrisant Fawr intersects the boundary between the parish of Llantrisant Fawr and the parish of Llanbadoc Fawr.

A.D. 1937.

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1ST SCH.
—cont.

So much of the parish of Goetre Fawr as lies to the south of a straight line drawn in a westerly direction from the point at which the boundary between that parish and the parish of Llanbadoc Fawr intersects the boundary between the parish of Llanbadoc Fawr and the parish of Gwehelog Fawr to the northernmost point of the enclosure numbered 351 in the parish of Goetre Fawr on the 1/2500 Ordnance map edition of 1920 Monmouthshire sheet XVIII.11.

SECOND SCHEDULE.

PROVISIONS OF USK WATER ORDER 1890 SAVED FROM REPEAL.

12. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works hereinafter described with all necessary pipes mains culverts wells dams sluices engines approaches embankments roads and all other works and conveniences connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

Power to
construct
waterworks
and supply
water.

The works authorised by this Order will be situate in the county of Monmouth and are—

- (a) A reservoir or tank to be situate in a field known as Pandy Field in the parish of Goytre and numbered 998 on the 25-inch Ordnance map of the said parish of Goytre and belonging or reputed to belong to the Governors of the Usk Grammar School and in the occupation of William Lewis;
- (b) An aqueduct conduit or line of pipes commencing in and out of the said reservoir or tank in the said parish of Goytre thence passing through the parishes of Goytre Monkwood and Llanbaddoc and terminating in or upon the turnpike road from Usk to Newport at or near the Bell Inn in the said parish of Llanbaddoc;

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2ND SCH.
—cont.

(c) An aqueduct conduit or line of pipes commencing by a junction with the above-named line of pipes at or near Usk Bridge in the parish of Llanbaddoc and terminating at a point about thirty-two chains from Usk Bridge measuring along Bridge Street and Castle Parade in the parish and borough of Usk.

Period for
completion
of works.

14. . . . subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes reservoirs and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

For protec-
tion of Great
Western
Railway
Company.

15. For the protection of the Great Western Railway Company the following provisions shall be in force and have effect :—

- (1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over or under the railway of the Great Western Railway Company shall so far as they may affect the Great Western Railway be laid down by the Undertakers at such time as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the Engineer for the time being of the said Company and in accordance with plans and sections (when necessary in the opinion of such Engineer) previously submitted to and approved of by him and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall (except in case of urgent necessity) be renewed and repaired in the same manner and under the like conditions.
- (2) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.
- (3) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the laying down maintaining and using such mains and pipes.

As to pipes
crossing the
works of a
railway or
other com-
pany.

16. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing

or altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

A.D. 1937.

2ND SCH.
—cont.

17. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir or tank authorised by this Order. Limits of pressure.

18. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum hereinafter specified (that is to say) :— Rates for supply for domestic purposes.

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence :

Where such rateable value exceeds five pounds and does not exceed twenty pounds the rate of ten pounds per centum upon such rateable value :

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of nine pounds per centum upon such rateable value :

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of eight pounds per centum upon such rateable value :

Where such rateable value exceeds sixty pounds the rate of seven pounds per centum upon such rateable value :

And so in proportion for any shorter period than a year :

Provided that the Undertakers shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale :

Provided also that at any time after the expiration of six years from the commencement of this Order the Board of Trade may if they think fit upon the application of any local authority having jurisdiction within the limits of supply or of any twenty or more inhabitant householders within the limits of supply or of the Undertakers by order in writing (after hearing the parties) signed by a secretary or an assistant secretary of the said Board alter the said rates by substituting any other rates

A.D. 1937.
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2ND SCH.
—cont.

for the said rates and as from the date specified in such order the rates at which the Undertakers may charge for water supplied by them for domestic purposes shall be in accordance with such order.

A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues :

Provided that where the water is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for
water-closets
&c.

19. In addition to the foregoing charges the Undertakers may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

THIRD SCHEDULE.

THIS CONVEYANCE is made the twenty-fifth day of January one thousand nine hundred and thirty-six between THE REFORM BREWERY COMPANY LIMITED whose registered office is situate at the Reform Brewery Abersychan in the county of Monmouth (hereinafter called "the Vendor Company") of the one part and THE PONTYPOOL GAS AND WATER COMPANY whose registered office is situate at Clarence Street Pontypool in the said county of Monmouth (hereinafter called "the Purchasing Company") of the other part.

WHEREAS :

1. The Vendor Company is the estate owner in fee simple of the land situate at Cwmavon in the parish of Blaenavon

Ten
pounds

Two
pounds
ten
shillings

in the county of Monmouth delineated on the plan endorsed on these presents and thereon surrounded by a red verge line which land was used by Westlakes Brewery Limited the immediate predecessors in title of the Vendor Company in connection with the Cwmavon Brewery formerly belonging to them and situate on part of the said land.

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3RD SCH.

—cont.

2. There are certain springs and streams of water flowing in under through and upon the said land and since the year one thousand nine hundred and eight the Purchasing Company has taken water from the said springs and streams of water as yearly tenants of the said Westlakes Brewery Limited and has done so by means of certain tanks mains pipes and works laid in and upon the said land by the Purchasing Company with permission of the said Westlakes Brewery Limited.

3. The Vendor Company has agreed to sell and the Purchasing Company has under the powers of the Pontypool Gas and Water Acts 1873 to 1918 agreed to buy the springs and streams of water aforesaid and the rights in connection therewith hereinafter described and conveyed at the price of one thousand two hundred and fifty pounds.

Now in pursuance of the said agreement and in consideration of the sum of one thousand two hundred and fifty pounds now paid by the Purchasing Company to the Vendor Company the receipt whereof the Vendor Company hereby acknowledges this conveyance witnesseth as follows :—

1. The Vendor Company as beneficial owner hereby conveys unto the Purchasing Company all those springs and streams of water flowing in under through and upon the land delineated on the said plan endorsed on these presents and thereon surrounded by a red verge line and all the interest of the Vendor Company in the tanks and other works mains and pipes at present in or upon the said land and used for conveying the said water or other waters of the Purchasing Company to hold unto the Purchasing Company in fee simple and absolutely with full and free right and liberty for the Purchasing Company and its successors in fee simple and in perpetuity to get take and use the whole of the said springs and streams of water by means of and to use and maintain the said tanks mains pipes and other works at present in or upon the said land for the purpose of conveying the said water or other waters of the Purchasing Company And also (subject as in clause 2 hereinafter provided) to lay and maintain such other mains and pipes and to construct and maintain such other works and to make such alterations to the existing mains pipes and works in under or upon the said land or any part thereof as the Purchasing Company may hereafter consider necessary

A.D. 1937.

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3RD SCH.
—cont.

or convenient for getting taking or conveying water as aforesaid And also (for the purpose of laying and constructing such other mains pipes and works or making alterations to the existing mains pipes or works and for the purpose of maintaining repairing and cleansing the mains pipes and works for the time being on the said land) to have free access to and to enter upon any portion of the said land surrounded by a red verge line on the said plan and also over the land coloured green on the said plan the Purchasing Company making good any damage occasioned thereby to the said land and any buildings thereon.

2. Provided always and it is hereby agreed by and between the parties hereto that in the event of the Purchasing Company desiring to alter the existing tanks pipes and works or to provide additional tanks pipes mains and works the Purchasing Company shall before commencing such alterations and additions submit plans thereof to the Vendor Company for approval and in the event of such approval not being forthcoming the matter in dispute shall be referred to a single arbitrator to be appointed unless otherwise agreed by the President for the time being of the Surveyors' Institution and the Arbitration Acts 1889 to 1934 shall apply to any such reference.

3. The Vendor Company with intent to bind the said land and to benefit the Purchasing Company and its successors in title the owner or owners for the time being of the said springs and streams of water hereby granted hereby covenants with the Purchasing Company that the Vendor Company and its successors in title to the said land will not knowingly do permit or suffer any act or thing on the said land which will interfere with injure pollute or damage the said tanks springs and streams of water or the said mains pipes and other works aforesaid and will not knowingly interfere with injure damage or interrupt the free passage and flow of water through the said streams mains pipes or other works or any of them.

4. The Vendor Company hereby acknowledges the right of the Purchasing Company to production of the documents described in the schedule hereto and to delivery of copies thereof and hereby undertakes for the safe custody thereof.

5. In this deed where the context so admits the expression "the Vendor Company" includes a reference to its successors in title to the said land and the expression "the Purchasing Company" includes a reference to its successors in title to the water and rights hereby granted.

In witness whereof the Vendor Company and the Purchasing Company have caused their respective common seals to be affixed hereto the day and year first before written.

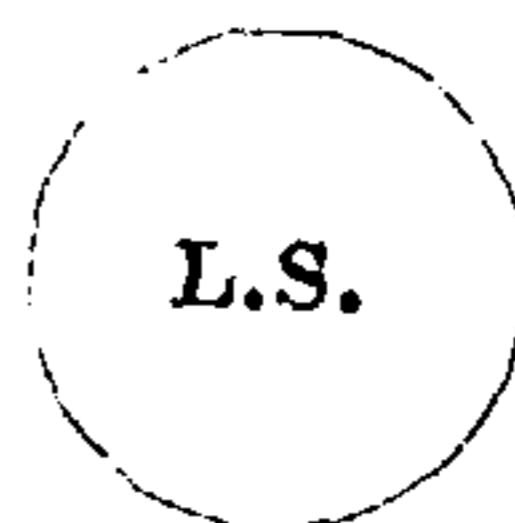
[1 EDW. 8. & Pontypool Gas and Water [Ch. lxvi.]
1 GEO. 6.] Act, 1937.

The SCHEDULE above referred to:—

A.D. 1937.

Nature of document.	Date.	Parties.	3RD SCH. —cont.
Lease - -	25th June 1900 -	W. B. Partridge - 1 C. F. Westlake - 2	
Conveyance and assignment.	22nd August 1904 -	C. F. Westlake - 1 Westlakes Brewery Ltd. 2	
Mortgage - -	23rd August 1904 -	Westlakes Brewery Ltd. 1 A. Harlow - - 2	
Reconveyance -	23rd February 1922	A. Harlow - - 1 Westlakes Brewery Ltd. 2	
Conveyance -	2nd December 1918	F. A. Smith and E. Coulman. 1 Westlakes Brewery Ltd. 2	
Mortgage - -	27th April 1922 -	Westlakes Brewery Ltd. 1 London Joint City and Midland Bank Ltd. 2	
Conveyance -	30th December 1935	Westlakes Brewery Ltd. and other parties. 1 to 10 The Reform Brewery Co. Ltd. 11	

The common seal of the REFORM BREWERY COMPANY LIMITED was affixed hereto in the presence of



THOMAS SKURRAY
H. W. BENNETT
Directors.

H. B. MOLE
Secretary.

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