

**CHAPTER lxiX.**

An Act to confer further powers upon the Shepton Mallet Waterworks Company. A.D. 1922.

[4th August 1922.]

**W**HEREAS by the Shepton Mallet Waterworks Act 1859 the Shepton Mallet Waterworks Company (in this Act called "the Company") were incorporated and authorised to construct works for supplying Shepton Mallet and the neighbourhood thereof in the county of Somerset with water :

And whereas by the Shepton Mallet Waterworks Act 1876 the Company were authorised to construct additional waterworks and further powers in connection with the supply of water by them were conferred upon the Company :

And whereas in order to enable them to meet the increased demands for water within their limits of supply the Company have constructed certain further waterworks which are described in this Act and it is expedient to sanction and confirm the construction of such waterworks :

And whereas the following is a statement of the share and loan capital which the Company have issued and borrowed and are authorised to issue and borrow under the powers in that behalf conferred upon the Company by the Acts above referred to :—

[Price 2s. 3d. Net.]      A

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## SHARE CAPITAL.

Description of Capital.	Maximum Dividend per cent.	Total paid up.	Total authorised.
		£	£
£5 shares (Act of 1859) ... ..	10	2,400	2,400
£10 shares (Act of 1876) ... ..	7	2,400	} 2,800
£50 preference shares... ..	6 (5 on existing shares)	400	

## LOAN CAPITAL.

Description of Loan.	Rate of Interest per cent.	Total borrowed.	Remaining to be borrowed.	Total authorised.
		£	£	£
Mortgage (Act of 1859) ... ..	5	400	200	600
Mortgage (Act of 1876) ... ..	4	700	—	700

And whereas it is expedient that the ordinary share capital of the Company should be consolidated into one class of stock and that the Company should be authorised to raise additional capital and to borrow or raise further moneys for the purposes of this Act and of their undertaking :

And whereas in addition to the above capital the Company have from time to time expended moneys together amounting to a sum of six thousand nine hundred and forty-seven pounds fifteen shillings and fivepence upon the construction of the works which the Company are authorised to maintain by this Act and otherwise upon purposes to which capital is properly applicable of which sum two thousand seven hundred and seventeen pounds seventeen shillings might have been applied by them in the payment of dividends to holders of the ordinary share capital authorised by the Act of 1859 and six hundred and sixteen pounds seventeen shillings and ninepence might have been applied by them in the payment of dividends to the



holders of the ordinary share capital authorised by the Act of 1876 : A.D. 1922.

And whereas it is expedient that the rates and charges which the Company are now authorised to take and recover for and in respect of the supply of water by them should be increased :

And whereas it is expedient that further powers should be conferred upon the Company as provided by this Act :

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

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

#### PRELIMINARY.

1.—(1) This Act may be cited as the Shepton Mallet Waterworks Act 1922. Short and collective titles.

(2) The Shepton Mallet Waterworks Act 1859 the Shepton Mallet Waterworks Act 1876 and this Act may be cited together and are in this Act referred to as the Shepton Mallet Waterworks Acts 1859 to 1922.

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

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of borrowed money into capital ;

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV. ;

The Lands Clauses Acts except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of that Act ;

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the Waterworks Clauses

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Act 1847 “ with the consent in writing of the owner  
“ or reputed owner of any such house or of the  
“ agent of such owner.”

Interpreta-  
tion.

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

“ The Company ” means the Shepton Mallet Waterworks Company ;

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

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

“ The Act of 1859 ” and “ the Act of 1876 ” mean respectively the Shepton Mallet Waterworks Act 1859 and the Shepton Mallet Waterworks Act 1876.

## WORKS AND LANDS.

Power to  
maintain  
additional  
waterworks  
&c.

**4.**—(1) The construction by the Company of the works hereinafter described is hereby sanctioned and confirmed and subject to the provisions of this Act the Company may maintain and from time to time repair renew alter enlarge extend or discontinue those works and may use and employ the same for the purpose of taking intercepting and impounding water and may continue to take intercept and impound any water which can be taken intercepted or impounded by such works The works hereinbefore referred to are situate in the urban district of Shepton Mallet in the county of Somerset and are—

Work No. 1 A reservoir or tank situate on land acquired by the Company in the enclosure numbered 71 on the  $\frac{1}{2500}$  Ordnance map of the county of Somerset—sheet XLI.—8 (second edition of 1903) ;

Work No. 2 An aqueduct or line or lines of pipes commencing in Work No. 1 hereinbefore described and terminating near Lower Downside at the junction of Back Lane with Windsor Hill Lane



by a junction with the existing authorised aqueduct of the Company in the last-named lane.

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(2) The Company may upon lands acquired by them for the purposes of or in connection with the undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks sanctioned and confirmed by this Act or the existing or authorised waterworks of the Company or for inspecting maintaining repairing cleansing managing working or using the same:

Provided that—

- (a) Nothing in this subsection shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them;
- (b) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

5. The purchase or acquisition by the Company of the lands and easements and rights in connection with lands and water purchased or acquired by them for the purposes of or in connection with the works referred to in subsection (1) of the section of this Act of which the marginal note is "Power to maintain additional waterworks &c." is hereby sanctioned and confirmed and the said lands easements and rights in lands and water may be held and used by the Company for the purposes of the undertaking.

Confirma-  
tion  
of acqui-  
sition of  
lands &c.

6. Subject to the provisions of this Act the waterworks sanctioned and confirmed or authorised by this Act shall for all purposes whatsoever form part of and be comprised in the undertaking and the provisions of the Shepton Mallet Waterworks Acts 1859 to 1922 shall extend and apply thereto accordingly.

Works to  
form part of  
under-  
taking.

7.—(1) The Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting  
powers of  
Company to  
abstract  
water.

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(2) For the purposes of this section the existing waterworks of the Company and Work No. 1 described in the section of this Act of which the marginal note is "Power to maintain additional waterworks &c." shall be deemed to be works authorised by the Act of 1859 the Act of 1876 and this Act respectively and the lands upon which the said existing waterworks and the said Work No. 1 are constructed shall be deemed to be specified in those Acts respectively.

Temporary  
discharge of  
water into  
streams.

**8.**—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Company the Company may cause the water in any such works to be temporarily discharged into any available stream or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

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

(3) (a) If at any time any damage is caused or reasonably apprehended to any railway belonging to the Great Western Railway Company or to the London and South Western Railway Company and Midland Railway Company as joint lessees of the Somerset and Dorset Railway (which company and companies are hereinafter singly and jointly referred to as "the railway company") or to any culvert or drain or other similar work under any such railway as the result of water being discharged into any available stream or watercourse under the provisions of this section the railway company may (as the case may be) make good any damage so caused or enlarge or otherwise alter such culvert or drain or other similar work to such extent and in such manner as may be reasonably necessary to prevent any such damage as aforesaid and the reasonable expense incurred by the railway company in that behalf shall be repaid to them by the Company.

(b) Any question arising between the Company and the railway company under this subsection shall be determined by arbitration the arbitrator being appointed



failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the Arbitration Act 1889 shall apply to any such arbitration.

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

Application  
of Water-  
works  
Clauses Act  
1847 to  
discharge  
pipes and  
telephones.

10. Any telephone or telegraph posts wires conductors or apparatus made maintained erected or laid down by the Company under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For pro-  
tection of  
Postmaster-  
General.

11. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act:

Power to  
lay pipes in  
private  
streets.

Provided that the Company shall not without the consent of the Great Western Railway Company or the London and South Western Railway Company and the Midland Railway Company (as the case may be) lay down or place any pipe or other work in any street for the time being belonging to and forming the approach to any station or depôt of such railway company or companies.

12.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Company may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and

Meters in  
streets to  
measure  
water or  
detect  
waste.

A.D. 1922. — maintain meters and similar apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Company shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act :

(3) Provided also that nothing in this section shall authorise any interference with the works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

**13.** The Company may on all or any of the lands for the time being held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Power to purchase additional lands by agreement.

**14.**—(1) Subject to the provisions of this Act the Company in addition to any other lands the acquisition of which is sanctioned by this Act may by agreement purchase take on lease acquire and hold the lands and premises known as Stomacher Farm Downside and containing sixty-two acres or thereabouts and any further lands for the purposes of this Act or of the undertaking but (except with the consent of the Minister of Health) the quantity of such further lands held by the Company in pursuance of this section shall not at any time exceed ten acres.

(2) Provided that the Company shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings on any such further lands 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 as to the erection of buildings shall not apply in respect of lands leased or sold by the Company.

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**15.** The Company may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Company for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Company for the purposes of the undertaking.

Dwelling-  
houses for  
persons in  
Company's  
employ-  
ment.

**16.**—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are 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 easements or rights and any other lands which the Company may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

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

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 as to the erection of buildings shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon any lands acquired by them under the provisions of the Shepton Mallet Waterworks Acts 1859 to 1922 construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are 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

A.D. 1922. Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Company or by 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 the waters which the Company are for the time being authorised to take.

Power to  
retain sell  
&c. lands.

**17.** Notwithstanding anything in the Lands Clauses Acts or in any other Acts or Act to the contrary the Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them under the Act of 1859 the Act of 1876 or this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange Provided that any gross sum arising from the sale of any such lands or any interest therein or from the sale of any such rents shall be applied only to purposes to which capital is properly applicable.

Reservation  
of water  
rights &c.

**18.** 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.

Persons  
under  
disability

**19.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think



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

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—  
may grant  
easements  
&c.

20. For the protection of the Great Western Railway Company and also of the London and South Western Railway Company and the Midland Railway Company as joint lessees of the Somerset and Dorset Railway (in this section singly and jointly as the case may be referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company have effect (that is to say):—

For pro  
tection of  
certain  
railway  
companies.

(1) In this section the expression "the works of the Company" means all works (including works of maintenance repair renewal or removal) executed in pursuance of this Act or of any Act incorporated therewith which involve interference with or in any way injuriously affect the railways bridges roads and works of the railway company (in this section together referred to as "the railways of the railway company"):

(2) The works of the Company shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the principal engineer of the railway company (in this section referred to as "the engineer") and (except in cases of emergency) according to plans to be previously submitted to and reasonably approved by him or in case of difference determined by arbitration in manner hereinafter provided. Provided that if the engineer does not express his approval or disapproval of the said plans within twenty-one days after the same shall have been submitted to him he shall be deemed to have approved thereof:

(3) The works of the Company shall be executed by and at the expense of the Company (except as in this section otherwise provided) who shall

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restore and make good to the reasonable satisfaction of the engineer the railways of the railway company which may be disturbed or interfered with in the course of such execution and so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interference with the passage or conduct of traffic on the railways of the railway company Provided nevertheless that if it shall be reasonably necessary in any case for the works of the Company (other than the actual laying down of mains or pipes) to be executed or carried out by the railway company such works may be executed and carried out by the railway company accordingly and the reasonable expense incurred by the railway company in so doing shall be repaid to them by the Company :

- (4) The Company shall bear and on demand pay to the railway company the reasonable costs (if any) of watching lighting and protecting the railways of the railway company during the carrying out of the works of the Company and the superintendence of the engineer (if given as aforesaid) shall not relieve the Company from any liability which would otherwise attach to them for any accident which may be occasioned by or through the said works or by their contractors agents or workmen :
- (5) If any injury or interruption to traffic on the railways of the railway company arises in any way owing to the construction or failure of the works of the Company the Company shall make compensation to the railway company in respect thereof :
- (6) The Company shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting any repair or renewal of the railways of the railway company by reason of the existence of any mains pipes apparatus or works of the Company in over upon across or under the railways of the railway company :
- (7) Any dispute or difference which may arise between the Company and the railway company



with reference to the provisions of this section . . . A.D. 1922.  
 or in any way arising thereout or as to any  
 works to be carried out in pursuance thereof  
 shall be settled by the arbitration of a single  
 arbitrator to be appointed failing agreement  
 by the President of the Institution of Civil  
 Engineers on the application of either party  
 after notice in writing to the other and subject  
 as aforesaid the provisions of the Arbitration  
 Act 1889 shall apply to any such arbitration.

#### SUPPLY OF WATER.

**21.**—(1) As from the passing of this Act the limits Limits of  
supply.  
 within which the Company may supply water and exercise  
 the powers conferred upon them by the Shepton Mallet  
 Waterworks Acts 1859 to 1922 shall be the area comprising  
 the urban district of Shepton Mallet and so much of the  
 parish of Croscombe in the rural district of Shepton  
 Mallet as is bounded on the southerly and easterly sides  
 thereof by the boundary of the Shepton Mallet Urban  
 District and on the north-westerly and westerly sides  
 thereof by the southerly boundary of Ham Lane and  
 the easterly boundary of the road leading from Shepton  
 Mallet to Croscombe between the point where that road  
 leaves the boundary of the said urban district and its point  
 of junction with Ham Lane.

(2) The said limits are shown upon a map signed in  
 triplicate by the Right Honourable the Earl of Donough-  
 more the Chairman of the Committee of the House of  
 Lords to which the Bill for this Act was referred one  
 copy of which map has been deposited in the Private  
 Bill Office of the House of Commons the second in the  
 Parliament Office House of Lords and the third in the  
 office of the Company and if any discrepancy exists  
 between the description of the said limits contained in  
 subsection (1) of this section and the said map the latter  
 shall prevail.

(3) Copies of the said map deposited in the office  
 of the Company and certified by the secretary of the  
 Company to be true copies shall be received in all courts  
 of justice and elsewhere as *primâ facie* evidence of the  
 contents of such map.

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(4) Where the boundary of the said limits coincides with any road or highway the Company may supply water to premises adjoining such road or highway notwithstanding that such premises are not included within the limits defined in subsection (1) of this section and for the purposes of such supply any premises so supplied with water shall be deemed to be included within the said limits.

Rates for  
domestic  
purposes.

**22.** From and after the twenty-ninth day of September nineteen hundred and twenty-two the Shepton Mallet Waterworks Acts 1859 to 1922 shall be read and construed as if there were substituted for section 31 (Rates at which the Company are to supply water) and section 32 (Limiting amount for charge of water-closets) of the Act of 1859 the following provisions (that is to say)—

The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of any Acts or any Order for the time being relating to the Company 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 a rate per annum not exceeding twelve pounds ten shillings per centum upon the gross estimated rental of the premises so supplied Provided that the Company shall not be required to supply any premises with water for a less sum than thirteen shillings per annum ;

The gross estimated rental of any such premises as aforesaid shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided always that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid and the apportionment in case of dispute



shall be ascertained by a court of summary jurisdiction ; A.D. 1922

In addition to the foregoing charges the Company 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 ten 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 Company may think fit and such additional sum or sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

**23.** In the event of the Minister of Health being satisfied that the cost of labour and materials or that other circumstances affecting the undertaking have substantially altered he may if he thinks fit on the application of the Company or of a local authority having jurisdiction within the limits of supply made at any time after the expiration of three years from the passing of this Act by order vary either by way of increase or decrease the rates for the supply of water by this Act authorised :

Revision of rates.

Provided that the rates prescribed in any such order shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making good depreciation and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the capital of the Company :

Provided also that the rates for the time being in force may in the like event be varied in like manner at any time after the expiration of any or every period of five years after they were last altered.

**24.** Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the

Rates payable by owners of small houses.

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

Supply of  
water by  
hose pipe.

**25.** When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Company may if a hose pipe or other similar apparatus is used charge any additional sum not exceeding one pound per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum charged under this section shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Supply to  
houses  
partly  
used for  
trade &c.

**26.** The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital workhouse or similar institution club hotel public-house or inn.

Supply by  
measure.

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

Price of  
supply by  
measure.

**28.** The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons.

Power to  
sell meters.

**29.** The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.



**30.** Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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—  
Notice to  
Company of  
connecting  
or dis-  
connecting  
meters.

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

Injuring  
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control

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of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fitting.

Register of  
meter to be  
*primâ facie*  
evidence.

**32.**—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Company.

(2) Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Power to  
supply  
fittings.

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

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Byelaws for  
preventing  
waste &c. of  
water.

**34.**—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship



and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

A.D. 1922.

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

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary were the clerk of the local authority.

(4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

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

Company not bound to supply several houses by one pipe.

A.D. 1922.

As to communication pipes.

**36.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Company to maintain any pipe or apparatus used for the supply of water from the works of the Company the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Company may by agreement with any owner or occupier (entitled or required to lay down maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits of supply) execute such works on behalf of such owner or occupier and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Company to connect communication pipes with mains.

**37.** Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water 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 any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Power to Company to repair communication pipes.

**38.** If by reason of any injury to or defect in any communication or service pipe which the Company are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Company in executing such repairs shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe has been la



by and belongs to the occupier of such premises from the occupier : A.D. 1922.

Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

**39.** When several houses or parts of houses in the occupation of several persons are supplied 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 the engineer of the Company. Mainten-  
ance of  
common  
pipe.

**40.** A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company. Notice of  
discon-  
tinuance.

**41.** Section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and construed as if the words "one-sixth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively. Variation of  
section 35  
of Water-  
works  
Clauses Act  
1847.

**42.** The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Contracts  
for supply-  
ing water in  
bulk outside  
limits. Provided

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also that nothing in this section shall authorise the Company to lay any mains beyond the limits of supply.

Purchase of  
water in  
bulk.

**43.** The Company may enter into and carry into effect agreements made with any company 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 distribution within the limits of supply and otherwise for the purpose of the undertaking.

Guarantees  
by district  
councils.

**44.**—(1) An urban or rural district council whose district is wholly or partly within the limits of supply may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

(3) Nothing in this section shall be deemed to authorise any such council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other company supplying water under Parliamentary authority without the consent of such other company.

#### CONSOLIDATION OF CAPITAL.

Consolida-  
tion of  
capital and  
issue of  
capital in  
respect of

**45.**—(1) On the first day of January nineteen hundred and twenty-three (hereinafter called "the prescribed date") the ordinary capital of the Company issued under the provisions of the Act of 1859 and the Act of 1876 and outstanding on that date shall be con-



verted and consolidated into six thousand eight hundred pounds of ordinary stock forming one class of stock bearing a maximum dividend at the rate of six pounds per centum per annum and ranking in all respects as one stock and conferring upon the holders thereof the same rights in all respects inter se.

A.D. 1922.

—  
past  
expenditure.

(2) (a) On the prescribed date there shall be by virtue of this Act created seven thousand nine hundred and twelve pounds of fully paid up consolidated stock bearing a maximum dividend at the rate of six pounds per centum per annum and comprising the following:—

- (i) Six thousand eight hundred pounds of fully paid up consolidated stock being the stock referred to in subsection (1) of this section :
- (ii) One thousand one hundred and twelve pounds of fully paid up consolidated stock which is created in respect of the sum of three thousand three hundred and thirty-four pounds expended by the Company out of divisible profits upon the construction of the works sanctioned and confirmed by this Act and upon other capital purposes and is the equivalent in consolidated stock of the last-named sum regarded as share capital of the Company entitled to a dividend at the rate of two pounds per centum per annum.

(b) The consolidated stock so created shall be called "consolidated stock" and shall be deemed to be fully paid up and shall be divided among and shall as from the said date be vested without payment in the persons who immediately before the said date are entitled to be the holders of the existing ordinary capital of the Company in the following proportions (that is to say):—

As respects the holders of the original capital authorised by the Act of 1859 in the proportion of ten pounds four shillings and fivepence of consolidated stock for each five pound share held by them respectively ;

As respects the holders of the additional capital authorised by the Act of 1876 in the proportion of twelve pounds ten shillings and sixpence of consolidated stock for each ten pound share held by them respectively.

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(3) The consolidated stock so to be created and divided as aforesaid shall as soon as practicable after the prescribed date be registered in the books of the Company in the respective names of the persons entitled thereto and shall rank for dividend as from the prescribed date and as from that date the original capital and the additional capital above referred to shall cease to bear any dividend.

Consolidated stock to be held on same trusts &c. as shares for which same is substituted.

**46.** All consolidated stock of which the holders of existing shares in the capital of the Company are pursuant to the foregoing provisions of this Act registered as holders shall after registration thereof 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 existing shares for which the consolidated stock is substituted were held immediately before the prescribed date 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 existing shares and trustees executors administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the consolidated stock of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the existing shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Certificates of existing shares to be called in and others issued.

**47.** The Company shall call in the certificates of the existing shares for which consolidated stock shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of consolidated stock to the amount to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such 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 always that until the issue of new certificates the existing certificates shall (according to the amount of consolidated stock to be issued by virtue of this Act in substitution for the existing shares which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for the amount of consolidated stock so to be issued but if any holder of existing shares neglects or omits to send or deliver to the Company his existing certificate or certificates for the period of nine months after notice in writing sent by post to the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated stock to which he is entitled until such existing certificate or certificates 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 of such lost or destroyed certificate or certificates as the directors may require.

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48. In every case where under the foregoing provisions of this Act any holder of existing shares in the capital of the Company would be entitled to be registered as the holder of any fractional part of one pound of consolidated stock or of any amount of consolidated stock including any such fractional part as aforesaid the Company in lieu of registering such holder and issuing to him a certificate as holder of such fractional part of one pound of consolidated stock or of an amount of consolidated stock including such fractional part shall at the same time as they register such holder in their books as a holder of consolidated stock pay to him such a sum in cash as shall be equal to the value of such fractional part at par and shall register such holder and issue to him a certificate as holder of the amount (if any) of consolidated stock to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so to be paid to him as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part.

As to  
fractional  
parts of one  
pound.

The Company may either cancel all or any of the consolidated stock in respect of which such payment has

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—

been made or issue the same to any willing purchaser thereof in amounts of one pound or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

Minimum holdings of consolidated stock.

**49.**—(1) Consolidated stock shall be issued and be held in amounts of one pound or of any multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of such stock which would reduce the holding of the transferor below or make the holding of the transferee less than one pound of stock.

(2) Notice of this enactment shall be stated in all certificates of consolidated stock issued after the passing of this Act.

Transfers of existing shares to operate as transfers of consolidated stock.

**50.** All transfers or other dispositions of any existing ordinary share or shares in the capital of the Company shall after the prescribed date and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of—

- (a) the respective amounts of consolidated stock which represent or are attributable to the share or shares thereby expressed to be transferred or disposed of and are substituted for or issued in respect of the same under the provisions of this Act; or
- (b) Consolidated stock to the amount of the multiple of one pound next below the amount of consolidated stock which but for the provisions of the section of this Act of which the marginal note is "As to fractional parts of one pound" would have represented or been attributable to the existing share or shares transferred or disposed of by such transfer or disposition as aforesaid and a sum in cash equal to the value at par of any fractional part of one pound of consolidated stock

although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the share or shares transferred or disposed of had before that date and the bequest of or any covenant or provision of any deed or agreement relating to any specific amount of any of the existing ordinary share or shares



in the capital of the Company shall be held to apply to an amount of consolidated stock equal to that which shall be substituted for or issued in respect of the same under the provisions of this Act. A.D. 1922.

ADDITIONAL CAPITAL &C.

51. The Company may from time to time raise additional nominal capital to such amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be allowed on the issue or re-issue thereof any sum not exceeding in the whole five thousand three hundred pounds by the creation and issue of further ordinary or preference shares or stock. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient after taking into account premiums and discounts (if any) as aforesaid to produce the sum of five thousand three hundred pounds. Additional capital.

52.—(1) All ordinary and preference shares or stock hereafter created by the Company shall be issued in accordance with the provisions of this section. New stock to be sold by auction or tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company 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 district council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the 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;

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- (c) 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 In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid ;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in such manner as may be prescribed in a resolution passed by the directors of the Company and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors of the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise 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 the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.



**53.**—(1) Notwithstanding anything in the immediately preceding section of this Act the Company may with the consent of the Board of Trade and subject to such conditions as that Board may think fit to impose offer for subscription by the public the whole or any part of the additional capital by this Act authorised and the Company may upon any such offer pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such capital or procuring or agreeing to procure subscriptions whether absolute or conditional for any such capital.

A.D. 1922.

Power to  
offer  
additional  
capital by  
subscription.

(2) The payment of such commission as aforesaid 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 inviting subscriptions for such capital.

(3) Nothing in this section shall affect any power of the Company to pay brokerage.

**54.**—(1) The provisions of the Act of 1859 and the Act of 1876 relating to the borrowing of moneys on mortgage of the undertaking or by the creation and issue of debenture stock shall be read and construed as if the Company were by those Acts authorised to borrow on mortgage of the undertaking or to raise by the creation and issue of debenture stock any sum or sums of money not exceeding in the whole four thousand one hundred and fifty-six pounds.

Power to  
borrow.

(2) The Company may also from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital which at the time of borrowing has been created and issued under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock at the time issued together with any premiums (if any) realised on the sale thereof has been fully paid up.

**55.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before

Existing  
mortgages

A.D. 1922.  
to have  
priority.

the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by the Company by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Appoint-  
ment of  
receiver.

**56.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Application  
of money.

**57.** All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Application  
of existing  
capital.

**58.** The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Receipt in  
case of  
persons not  
sui juris.

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

Issue of  
redeemable  
preference  
capital and  
debenture  
stock.

**60.**—(1) If the Company desire to raise by the issue of preference stock any capital which they are authorised to raise by the Shepton Mallet Waterworks Acts 1859 to 1922 or any of them or to issue any debenture stock under the powers of any of those Acts they may create and issue such preference stock or debenture stock so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.



(2) If it is so provided in the resolution the Company may— A.D. 1922.

(a) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption ;  
and

(b) Redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section Provided that the creation and re-issue for the purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create save so far as such creation and issue is for the purpose of paying off stock created and issued under the provisions of this section or of providing stock substituted for the same thereunder.

(3) The Company shall not redeem out of revenue any preference stock or debenture stock created under this section.

**61.** The following provisions of the Act of 1876 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted herein (namely) :— Application  
of provi-  
sions of Act  
of 1876.

Section 19 Votes in respect of preferential shares ;

Section 21 Dividend on different classes of stock  
and shares to be paid rateably ;

Section 25 Priority of mortgages over other debts ;  
and

Section 27 Debenture stock.

#### MISCELLANEOUS PROVISIONS.

**62.** The directors of the Company may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend shall Interim  
dividends.

A.D. 1922. — not as the case may be exceed in any half-year one-half of the amount of the maximum dividend on the ordinary stock or one-half of the annual dividend assigned to the preference stock of the Company in respect of which such interim dividend is declared.

Closing of  
transfer  
books.

**63.** The directors of the Company may close the register of transfers of stock and the register of debenture stockholders for a period not exceeding fourteen days previous to the declaration of any interim dividend or to the payment of any interest on such debenture stock as the case may be and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the registers are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or payment of any such interest.

Contracts  
by directors.

**64.** 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. Provided that in the case of his being or becoming 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 disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.



A.D. 1922.

**65.** In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1880 they may from time to time determine the remuneration of the secretary and auditors of the Company.

Directors may determine remuneration of secretary and auditors.

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

Authentication and service of notices by Company.

**67.** Where the payment of more than one sum by any person is due under the Shepton Mallet Waterworks Acts 1859 to 1922 any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums in one summons.

**68.** A judge of any court or a justice shall not be disqualified from acting in the execution of the Shepton Mallet Waterworks Acts 1859 to 1922 by reason of his being liable to any rate.

Liability to water rate not to disqualify justices from acting.

**69.** Penalties imposed under the Shepton Mallet Waterworks Acts 1859 to 1922 and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Penalties not cumulative.

**70.** Save as otherwise by this Act expressly provided all offences against the Shepton Mallet Waterworks Acts 1859 to 1922 and all penalties forfeitures costs and

Recovery of penalties &c.

A.D. 1922. expenses imposed or recoverable under those Acts or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands. **71.** Proceedings for the recovery of any demand made under the authority of the Shepton Mallet Waterworks Acts 1859 to 1922 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Repeal. **72.** The following provisions of the Act of 1859 and the Act of 1876 are hereby repealed but without prejudice to anything done or suffered to be done thereunder respectively (that is to say) :-

The Act of 1859—

- |            |   |
|------------|---|
| Section 22 | For preventing accidents from bursting of reservoir.  |
| Section 23 | Power to justices to order immediate repair of reservoir.   |
| Section 24 | Order of justices after summons on Company to repair reservoir.   |
| Section 25 | Order of justices on failure of Company to obey orders.   |
| Section 26 | Form of order.  |
| Section 27 | Persons acting on order of justices not to be trespassers.  |
| Section 28 | Justices may impose penalty on Company for disobeying order.  |
| Section 29 | Order of justices on Company for payment of costs.  |
| Section 30 | Appeal by Company.  |
| Section 31 | Rates at which the Company are to supply water.   |
| Section 32 | Limiting amount of charge for water-closets.  |
| Section 33 | Cisterns closets and baths to be so constructed as to prevent waste or the reflux of impure water into the mains. |
| Section 34 | Supply of water other than for domestic purposes.   |



The Act of 1876—

A.D. 1922.

Section 13 Company may make regulations in respect of supply of water.

Section 14 Power to turn off water in certain cases.

Section 15 Company's officers may enter buildings and cut off pipes after notice given.

Section 23 Appointment of a receiver.

**73.** Nothing in this Act shall exempt the Company or their undertaking from or deprive the Company or the undertaking of the benefit of the provisions of any general Act relating to the supply of water which may be passed in this or any future session of Parliament. Saving for general Acts.

**74.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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