



CHAPTER lxxvi.

An Act for authorising the West Gloucestershire Water Company to construct new works and to borrow further moneys for increasing the charges of the Company and for other purposes.

A.D. 1923.

[31st July 1923.]

WHEREAS the West Gloucestershire Water Company (in this Act called "the Company") were incorporated by the West Gloucestershire Water Act 1884 and are by the West Gloucestershire Water Acts 1884 to 1915 empowered to supply water within the limits and to the extent mentioned in the said Acts :

And whereas it is expedient that the Company should be empowered to acquire the lands and to make and maintain the well and pumping station and works in this Act mentioned :

And whereas the revenue derived from the charges authorised by the Acts relating to the Company is inadequate to enable the Company to raise on reasonable terms the capital necessary for carrying on their undertaking and it is expedient that such charges should be increased :

And whereas by the said Acts the Company are authorised to raise capital to the amount in the aggregate of five hundred thousand pounds and to borrow on mortgage or raise by the issue of debenture stock a total sum of one hundred and sixty-six thousand six hundred and sixty-six pounds :

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And whereas the Company have raised capital to the extent of two hundred and seventeen thousand seven hundred and eighty-seven pounds by the creation and issue of ordinary shares and have raised by the creation and issue of debenture stock sums amounting in the aggregate to one hundred and fourteen thousand and ninety-six pounds :

And whereas it is expedient that the Company should be authorised to borrow or raise by the issue of debenture stock further moneys for the purposes of this Act and of their undertaking :

And whereas it is expedient that certain times limited by the West Gloucestershire Water Act 1914 for the construction of works by that Act authorised and the compulsory acquisition of lands therefor and certain other times limited by the said Act should be extended as provided by this Act :

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

And whereas a plan and section of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the land required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Gloucester and that plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference :

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

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

Short and
collective
titles.

1. This Act may be cited as the West Gloucestershire Water Act 1923 and the West Gloucestershire Water Acts 1884 to 1915 and this Act may be cited together and are in this Act referred to as "the West

Gloucestershire Water Acts 1884 to 1923” and each of those Acts is hereinafter referred to separately as the Act of the year in which the same was passed. A.D. 1923.

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

(1) The Lands Clauses Acts :

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

(2) The Waterworks Clauses Acts 1847 and 1863 (except the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44 of the Waterworks Clauses Act 1847) :

(3) The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The borrowing of money by the Company on mortgage or bond ;

The provision to be made for affording access to the special Act by all parties interested ;

and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway and in such provisions for the purposes of this Act “ the railway ” means the pumping station by this Act authorised and “ the centre of the railway ” means the outside of the said pumping station.

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Interpreta-
tion.

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

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

The expression “the new waterworks” means the works described or referred to in the section of this Act the marginal note whereof is “Power to make works”;

The expression “the undertaking” means the undertaking for the time being of the Company.

Power to
make
works.

4. Subject to the provisions of this Act the Company may in the lines and situation and upon the land delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited section make and maintain—

A well and pumping station situate in the parish of Winterbourne in the rural district of Chipping Sodbury in the county of Gloucester in the enclosure numbered 421 in that parish on the $\frac{1}{2500}$ Ordnance map (edition 1920 Gloucestershire sheet LXVIII. 15) at or near the existing borehole in the north-western corner of the said enclosure.

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

Limits of
deviation.

5. In the construction of the new waterworks the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan and they may also deviate vertically from the levels shown on the deposited section to any extent.

Works to
form part
of under-
taking.

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

7. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of the new waterworks. A.D. 1923.
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Power to
take
waters.

8.—(1) If at any time after the completion of the pumping station authorised by this Act it shall be proved by the owner lessee or occupier of any well pond spring or stream which is situate within a radius of one mile from the said pumping station and which is used at the passing of this Act as an effective source of supply (in this section called "the owner") that the pumping by the Company at that station has caused a diminution or cesser of the supply of water in such well pond spring or stream the Company shall upon the written request of such owner afford to him a supply of water equal to the amount of such diminution or the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost of the owner of obtaining his full supply shall not be greater after than before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided. For pro-
tection of
existing
sources of
supply.

(2) Provided that—

- (a) The Company shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well pond spring or stream the water from which is so polluted as to be or to be likely to be injurious or dangerous to health;
- (b) The Company shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford to the Company and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well pond spring or stream in respect of which the claim is made and facilities for ascertaining particulars thereof and the level of the water therein;
- (c) The Company shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

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(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Company and the owner shall afford to the Company all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Company.

(4) The Company may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or cesser of supply in any such well pond spring or stream deepen such well pond spring or stream or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor give the Company access and every facility for carrying out such deepening borings or headings.

(5) The Company may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(6) For the purpose of affording a supply of water under this section the Company may supply water beyond the limits of supply and carry out all such works within or beyond such limits as may be necessary for that purpose.

(7) Any question which may arise between the Company and any owner as to the quantity time place or manner of the supply to be afforded by the Company in pursuance of this section and any other question dispute or difference which may arise between the Company and the owner under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the pro-

visions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1923.

(8) The Company and the owner may enter into and fulfil agreements with reference to the supply of water by the Company to such owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.

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

10. Subject to the provisions of this Act the Company may enter upon take and use such of the land delineated on the deposited plan and described in the deposited book of reference as may be required for the new waterworks: Power to acquire lands.

Provided that the Company shall acquire at least one acre of the said land if they acquire any part thereof.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

12. The Company may in connection with or for the purposes of the new waterworks or otherwise in exercise of the powers of this Act take the parts of the property numbered 1 in the parish of Winterbourne which lie within the limits of deviation shown on the deposited plan or such part thereof as they may require without being required or compellable to purchase any greater part or the whole of any such property. As to taking of part of certain properties.

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

A.D. 1923.

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

13. 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 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.

Retention
and dis-
posal of
lands.

14. Notwithstanding anything contained in the Lands Clauses Acts the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of 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 which have from time to time been or may be acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest 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.

Extension
of time for
compul-
sory pur-
chase of
lands.

15. The powers conferred upon the Company by the Act of 1914 for the compulsory purchase of lands by that Act authorised are hereby extended and may be exercised by the Company during the period of three years from the passing of this Act.

Extension
of time for
completion
of works
and other
times.

16. The powers conferred upon the Company by the Act of 1914 for the construction of the works by that Act authorised are hereby extended and may be exercised by the Company during the period of three years from the passing of this Act and section 6 and subsection (8) of section 25 of the Act of 1914 shall be read and construed as if the respective periods of five years in the said section and subsection mentioned were in each case five years from the passing of this Act.

17. As from the first quarter day after the passing of this Act the following provisions shall have effect in lieu of the provisions of section 34 (Rate at which water is to be supplied for domestic purposes) of the Act of 1884 which are unrepealed (that is to say):—

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Rates for supply for domestic purposes.

The Company shall at the request of the owner or occupier of any house or part of a house entitled under the provisions of the West Gloucestershire Water Acts 1884 to 1923 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 hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied shall not exceed seven pounds per annum at a rate per annum not exceeding seventeen per centum upon such rateable value;

Where such rateable value exceeds seven pounds but does not exceed twenty pounds at a rate per annum not exceeding sixteen per centum upon such rateable value;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds at a rate per annum not exceeding fifteen per centum upon such rateable value;

Where such rateable value exceeds forty pounds at a rate per annum not exceeding fourteen per centum upon such rateable value:

Provided that the Company shall not be bound to afford a supply of water to any premises for a less sum than seventeen shillings and fourpence per annum and that nothing in this section shall entitle the Company in any case to demand for the water rate for any premises included in any division of the above scale a greater sum than they would be entitled to demand if the premises were of just sufficient rateable value to bring them within the next division of the said scale relating to premises of higher value whereon a lower rate per centum is chargeable Provided also that where any sum payable to the Company under the provisions of this section includes a fractional part of a penny such fractional part shall be charged as a penny:

A.D. 1923.

The rateable value of any such premises as aforesaid shall mean the rateable value 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 that where the water rate 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 ascertained by a court of summary jurisdiction:

In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding seven shillings and sixpence 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 such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rates.

Revision
of rates.

18. In the event of the ~~Minister of Health~~ being satisfied that the cost of labour and materials or 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 five years from the passing of this Act by order vary either by way of increase or decrease the rates and charges for the supply of water by this Act authorised:

In the event of the basis of rating of lands and premises within the limits of supply in force at the passing of this Act being substantially altered the Minister of Health may if he thinks fit on the application of the Company or of a local authority having jurisdiction within such limits made at any time after the expiration of fifteen months from the date when such altered basis first becomes effective by order vary either by way of

increase or decrease the rates and charges for the supply of water for the time being in force under the provisions of this Act: A.D. 1923.

Provided that the rates and charges prescribed in any order made under this section 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 and charges for the time being in force under any such order 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 varied.

19. If and whenever the holders of the ordinary shares of the Company entitled to a maximum dividend at the rate of seven pounds per centum per annum shall receive a dividend thereon in respect of any year at a greater rate than the rate of two pounds and sixteen shillings per centum per annum the Company shall in the next succeeding year allow a discount off the charges by this Act authorised for supplies for domestic purposes at the rate of two per centum in respect of each three shillings and sixpence by which such dividend shall have exceeded the rate of two pounds and sixteen shillings per centum per annum: Discounts on charges in relation to dividends paid.

Provided that the Company shall not be bound to give a supply of water to any premises for a less sum than seventeen shillings and fourpence per annum.

20. The price to be charged by the Company to those owners or occupiers who under the provisions of section 46 of the Act of 1884 shall take a supply by agreement shall be as follows:— Rate for supply by meter.

Where the quantity taken in any quarter of a year shall not exceed thirty thousand gallons at a rate not exceeding two shillings and ninepence for every thousand gallons; and

Where the quantity taken in any quarter of a year shall exceed thirty thousand gallons then at a rate not exceeding two shillings and sixpence for every thousand gallons in excess of the first thirty thousand gallons:

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Provided that the Company may charge a minimum sum of one pound in any quarter of a year for the water supplied under this section otherwise than for gardens and a minimum sum of five shillings in any quarter of a year for water supplied for gardens.

Supply to
houses
partly used
for trade &c.

21.—(1) The Company shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse hospital asylum (whether public or private) sanatorium school club hotel public house or inn or (c) any public institution which is habitually occupied by at least twelve persons.

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

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

Varying
section 35
of Water-
works
Clauses
Act 1847.

22. From and after the date of the passing of this Act section 35 of the Waterworks Clauses Act 1847 in its application to the Company shall be read and have effect as if the words "fifteen per centum" were inserted therein instead of the words "one-tenth part."

Power to
lay mains
in streets
outside for
purposes
of supply
within
water
limits.

23. The Company shall in so much of any street or road outside the limits of supply and within the rural districts of Thornbury and Chipping Sodbury or either of them as they shall require to break up for the purposes of laying pipes for supplying water within the limits of supply or from one part to any other part of such limits have and be entitled to exercise all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of the said streets or

roads as aforesaid as if the same were within the limits of supply : A.D. 1923.

Provided that in constructing laying down repairing or renewing any mains pipes or other works under the powers conferred upon the Company by this section the provisions of section 30 (For protection of Great Western Railway Company) of the Act of 1914 shall so far as applicable apply thereto.

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

25. 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 it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable 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 and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter. Power to Company to repair communication pipes.

26. The Company shall not be bound to supply more than two houses by means of the same communication pipe and they may if they think fit require that Company not bound to supply several

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houses by
one pipe.

Mainten-
ance of
common
pipe.

a separate pipe be laid from the main pipe into each two houses supplied by them with water.

27. When 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 contribution shall be settled by the engineer of the Company.

Penalty for
closing
valves and
apparatus.

28. 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 to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Cisterns to
be pro-
vided for
high level
supplies.

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

Purchase
of water in
bulk.

30. The Company may enter into and carry into effect agreements made with any water 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.

31.—(1) The provisions of the West Gloucestershire Water Acts 1884 to 1902 relating to the borrowing or raising 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 an amount equal to one-half part of the moneys which at the time of such borrowing or of the issue of the debenture stock has been raised by the Company by the creation and issue of capital under the powers of those Acts or any of them.

A.D. 1923.
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Borrowing
powers.

(2) The powers of raising moneys on mortgage or by the creation and issue of debenture stock conferred upon the Company by the Act of 1909 and the Act of 1914 are hereby revived to such extent as to empower the Company to borrow on mortgage of the undertaking or to raise by the creation and issue of debenture stock under such powers any sum or sums of money not exceeding in the aggregate forty-three thousand three hundred and thirty-four pounds and the said Acts shall be read and construed accordingly but nothing in this subsection shall authorise the Company to so borrow or raise any amount exceeding one-sixth part of the moneys which at the time of such borrowing or of the issue of the debenture stock has been raised by the Company by the creation and issue of capital under the powers of those Acts or either of them and nothing in this section shall be deemed to affect any rights or powers conferred upon the Company by subsections (1) and (2) of section 5 of the Act of 1915.

(3) The powers conferred upon the directors by the said section 5 of the Act of 1915 shall be deemed to have included a power to create and issue as redeemable stock all or any part of the debenture stock authorised by that section and the directors or the Company shall be deemed to have been empowered to cancel the seventy-nine thousand and five hundred pounds four per centum debenture stock created and issued under that Act and cancelled in the year one thousand nine hundred and twenty-two and to issue under those powers other debenture stock (redeemable or irredeemable) in lieu thereof not exceeding in nominal amount the nominal amount of the stock so cancelled and the issue of any such stock is hereby sanctioned and confirmed and the directors of

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the Company may issue any stock authorised by the Act of 1915 which at the passing of this Act has not been issued or may re-issue any stock which has been so cancelled as aforesaid and has not at such passing been re-issued as redeemable or irredeemable debenture stock.

The provisions of paragraph (b) of subsection (2) and subsection (3) of the section of this Act of which the marginal note is "Issue of redeemable preference capital and debenture stock" shall apply to the redemption of any stock mentioned in this subsection.

(4) All debenture stock and all mortgages issued or granted under the said Acts in this section mentioned and this Act or any of them and the interest thereon shall rank *pari passu* in all respects and such interest shall have priority over all principal moneys secured by such mortgages or debenture stock.

Dividends to reduce proportionately.

32. If the divisible profits of the Company in respect of any year shall be insufficient to pay the full amount of dividends for such year on each class of the ordinary capital of the Company at the authorised rates a proportionate reduction shall be made in the dividend on each such class of capital.

As to dividends on authorised but unissued capital.

33.—(1) Section 17 (Profits of the Company limited) of the Act of 1887 section 17 (Limitation of dividend on additional share capital) of the Act of 1899 section 14 (Limitation of dividend on additional share capital) of the Act of 1902 section 23 (Limitation of dividend on new capital) of the Act of 1909 and section 33 (Limitation of dividend on new capital) of the Act of 1914 so far as they relate to ordinary capital authorised by those Acts or any of them which shall be issued after the passing of this Act shall be read and have effect as if the word "eight" were inserted in those sections respectively instead of the word "seven."

(2) Notwithstanding anything contained in any Act relating to the Company the Company may create and issue as preference capital with a dividend at such rate not exceeding the rate of eight per centum per annum as the directors may determine at the time of the issue thereof any capital which the Company are by any existing Act of the Company authorised to create and

issue as preference capital and which shall be created and issued after the passing of this Act. A.D. 1923.

34. The Company shall not pay dividends in arrear at the date of the passing of this Act in any year during which the rates charged by the Company have exceeded by more than fifty per centum the rates provided for by section 34 of the Act of 1884 as amended by section 7 of the Act of 1887. As to back dividends.

35.—(1) The Company may create and issue all or any of the preference stock which they are authorised by the West Gloucestershire Water Acts 1884 to 1923 or any of them to create and issue and may create and issue all or any debenture stock which they are by those Acts or any of them authorised to create and issue 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. Issue of redeemable preference capital and debenture stock.

(2) If it is so provided in the resolution the Company may—

(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 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.

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Applica-
tion of
money.

36. 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 shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

Appoint-
ment of
receiver.

37. Section 7 (Appointment of receiver) of the Act of 1915 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

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 ten thousand pounds in the whole.

Receipt in
case of
persons not
sui juris.

38. 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.

Priority of
money
raised on
mortgage or
debenture
stock.

39. All money to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

40. 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.

A.D. 1923.

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Applica-
tion of
existing
capital.

41. Section 24 (New shares or stock to be sold by auction or tender) of the Act of 1909 and section 34 (New shares or stock to be sold by auction or tender) of the Act of 1914 shall be read and have effect as if in paragraph (a) of subsection 2 of each of those sections the words "seven days" were inserted instead of the words "twenty-eight days" and the words "in each of two consecutive weeks" were omitted from those paragraphs respectively and the words "published in the city of Bristol" were substituted for the words "circulating within the limits of supply" in each of the said paragraphs.

Amend-
ment of
sections 24
of Act of
1909 and 34
of Act of
1914.

42. Notwithstanding anything in the West Gloucestershire Water Acts 1884 to 1923 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 any ordinary or preference capital which the Company are authorised to issue and which is unissued at the passing of this Act.

Power to
offer
unissued
capital by
subscrip-
tion.

43. The Company shall not transfer to the credit of their renewals and contingency fund more than fifteen hundred pounds in any year.

Limiting
payments
to renewals
fund.

44. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions and to the benevolent and accident and sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Donations
subscrip-
tions &c.

45. It shall be lawful for the Company to make superannuation and other allowances and to pay pensions or gratuities to any officers servants or employees of the Company and for that purpose to apply the funds and revenues of the Company.

Power to
make
super-
annuation
and other
allowances.

46. Where the payment of more than one sum by any person is due under any Act or order from time to time relating to the Company any summons or warrant issued for the purposes of any of those Acts or that order

Several
sums in
one sum-
mons.

[Ch. lxxvi.] *West Gloucestershire* [13 & 14 GEO. 5.]
Water Act, 1923.

A.D. 1923. — in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Liability to water rate not to disqualify justices.

47. 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 rate under any such Act or order.

Penalties not cumulative.

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

Recovery of penalties &c.

49. 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 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.

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

Repeals.

51.—(1) The following sections of the Act of 1899 and the Act of 1915 are hereby repealed:—

The Act of 1899—

Section 32 (Rate for supply by agreement);

The Act of 1915—

Subsection (3) of section 5 (Power to borrow).

(2) The following sections of the Act of 1884 the Act of 1887 the Act of 1899 the Act of 1902 the Act of 1909 and the Act of 1914 shall be repealed as from the date of the coming into operation of the section of this Act of which the marginal note is "Rates for supply for domestic purposes":—

The Act of 1884—

Section 34 (Rate at which water is to be supplied for domestic purposes);

The Act of 1887—

A.D. 1923.

Section 7 (Water rates in extended limits);

The Act of 1899—

Section 6 (Water rates in extended limits);

Section 31 (Amendment of section 34 of Act
of 1884);

The Act of 1902—

Section 6 (Water rates in extended limits);

The Act of 1909—

Section 6 (Water rates in new limits);

The Act of 1914—

Section 7 (Water rate in new limits);

Section 42 (Amendment of section 34 of Act
of 1884):

(3) The West Gloucestershire Water (Temporary Increase of Charges) Order 1918 as varied by an order of the Board of Trade dated the seventeenth day of June one thousand nine hundred and twenty and the said last-mentioned order are hereby annulled as from the date of the coming into operation of the section of this Act of which the marginal note is "Rates for supply for domestic purposes":

Provided always that the annulment of the said orders shall be without prejudice to the right of the Company to recover rates or charges or arrears of rates or charges due or accruing due to the Company at such last-mentioned date.

52. 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.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

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