



CHAPTER xxxv.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Amersham Beaconsfield and District Water Canterbury Water Dorking Water and Newhaven and Seaford Water. A.D. 1927.
[29th July 1927.]

WHEREAS the Minister of Health has made the Provisional Orders set forth in the schedule hereto under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873: 33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore 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:—

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in
schedule
confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1927. Short title.

A.D. 1927.

SCHEDULE.

AMERSHAM BEACONSFIELD AND DISTRICT
WATER.

*Amersham
Beaconsfield
and District
Order.*

Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 for empowering the Amersham Beaconsfield and District Waterworks Company Limited to maintain and continue waterworks to extend the limits of supply of the Company to authorise them to raise additional capital and for other purposes.

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and
collective
titles.

1. This Order may be cited as the Amersham Beaconsfield and District Water Order 1927 and the Amersham Beaconsfield and District Water Orders and Act 1896 to 1914 the Amersham Beaconsfield and District Waterworks Company Limited (Modification of Charges) Order 1922 (Statutory Rules and Orders 1922 No. 301) and this Order may be cited together as the Amersham Beaconsfield and District Water Orders and Act 1896 to 1927.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorpora-
tion of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order :

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of

any such house or of the agent of such owner" were omitted therefrom. A.D. 1927.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order. *Amersham Beaconsfield and District Order.*

4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order unless the context otherwise requires the same respective meanings And— *Interpretation.*

"the Order of 1896" means the Amersham Beaconsfield and District Water Order 1896;

"the Order of 1903" means the Amersham Beaconsfield and District Water Order 1903;

"the Order of 1914" means the Amersham Beaconsfield and District Water Order 1914;

"the undertaking" means the undertaking of the Undertakers as existing from time to time;

"the limits of supply" means the limits within which the Undertakers are from time to time authorised to supply water;

"the existing limits" means the limits within which the Undertakers were immediately prior to the commencement of this Order authorised to supply water;

"the added limits" means the area added by this Order to the existing limits;

"the directors" means the directors of the Undertakers.

5. The Amersham Beaconsfield and District Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." *Undertakers.*

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

Provided that the Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this article nor without the approval of the Minister of Health 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

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restrictions of this article as to the erection of buildings shall not apply in respect of lands leased or sold by the Undertakers.

(2) The Undertakers may in and upon the lands referred to in sub-division (1) of this article construct and lay down drains sewers watercourses 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 Undertakers are empowered to take from being polluted and the Undertakers may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands or within the limits of supply subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Undertakers may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Undertakers or by such owners lessees or occupiers of works for draining such lands or for more effectually connecting conveying and preserving the purity of the waters which the Undertakers are for the time being authorised to take.

Persons
under
disability
may grant
easements
&c.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit lease any such lands to the Undertakers and may subject to the provisions of those Acts and of this Order grant to the Undertakers 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 Order 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.

Power to
erect &c.
dwellings for
officers and
servants.

8. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of the undertaking.

Confirmation
of existing
works.

9. The Undertakers may maintain continue alter improve enlarge extend renew reconstruct and repair the existing wells and pumping station and works connected therewith constructed by them in the parish of Amersham in the rural district of Amersham in the county of Buckingham in part of the enclosure numbered 406 on the $\frac{1}{2500}$ Ordnance map of Buckinghamshire (sheet XLIII. 5th edition of 1898) and the construction of the said wells and pumping station and other works is hereby sanctioned and confirmed and the Undertakers may take impound appropriate and use for the purposes of the undertaking all such springs streams and waters which may be intercepted collected or taken

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by means of the said wells and pumping station and the said works connected therewith.

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

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

11. The limits within which the Undertakers may supply water shall extend to and include in addition to the existing limits so much of the parish of Wooburn in the rural district of Wycombe in the county of Buckingham as lies to the north of the railways of the Great Western and Great Central Railways Joint Committee and from and after the commencement of this Order the Undertakers may within the added limits exercise any rights powers and privileges which they may exercise within the existing limits and the provisions of the Amersham Beaconsfield and District Water Orders 1896 to 1914 (as amended by the Amersham Beaconsfield and District Waterworks Company Limited (Modification of Charges) Order 1922) and this Order shall so far as applicable be in full force and have effect throughout the limits of supply.

Extension of limits of supply.

12. If after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order throughout the added limits the local authority of the district within which the added limits are situate may provide a supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the added limits not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

Power to local authority &c. to supply water in case Undertakers fail to supply.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of the added limits such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

13.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or under any other Act relating to the Undertakers to maintain any pipe or apparatus used for the supply of water from any works of the Undertakers

As to communication pipes.

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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 Undertakers by agreement with any owner or occupier entitled or required to lay 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 may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Undertakers
to connect
communica-
tion pipes
with mains.

14. Notwithstanding anything contained in any Act or Order relating to the Undertakers the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication pipe therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers 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 Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Provisions
as to
fireplugs.

15. In applying the sections of the Waterworks Clauses Act 1847 relating to fireplugs to any urban or rural district within the limits of supply the Council of such district shall be substituted for the town commissioners and the concluding paragraph of section 38 of the said Act shall be taken to include the pattern and price of the fireplugs as well as their position and number :

Provided that if the pattern of any fireplug which may be decided upon and fixed as a result of an inquiry held under the provisions of the said section 38 shall cause or allow a waste of water or an access of air to the Undertakers' mains then the Undertakers shall be at liberty to have the same removed and the expense thereof shall be borne by the council affected and the Undertakers in equal shares.

Price for
supply by
meter.

16. The price to be charged for a supply of water by meter shall not exceed three shillings a thousand gallons.

Supply to
certain
premises.

17.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter (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 boarding-house capable of accommodating at least twelve

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persons or (d) any public institution which is habitually occupied by at least twenty persons. A.D. 1927.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this article shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof. *Amersham Beaconsfield and District Order.*

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this article 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.

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

19. Where water supplied for domestic purposes is used for horses washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings 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 chargeable under the provisions of this article shall be recoverable with and as the water rate. *Charges for supply by hose-pipe.*

20. The Undertakers may enter into and carry into effect agreements made with any company or person supplying water under parliamentary authority for the purchase of water in bulk by the Undertakers 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 Undertakers for the purposes of the undertaking. *Purchase of water in bulk.*

21.—(1) Any urban or rural district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers 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 Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for or with respect to the supply of water within any part of such district. *Guarantees by district councils.*

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose

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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 Undertakers under this article.

(3) Nothing in this article shall be deemed to authorise any such urban or rural district council to use any water supplied by the Undertakers 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 or person supplying water under parliamentary authority without the consent of such other company or person.

Additional
capital.

22. The limitation prescribed by the Order of 1914 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "additional capital") not exceeding ninety thousand pounds including the premiums (if any) on the issue thereof :

Provided that the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole one hundred and seventy thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limits of
dividend on
capital.

23. The Undertakers shall not in any one year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Order than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Amending
section 16 of
Order of
1914.

24. Notwithstanding anything contained in section 16 (Limits of dividend on additional capital) of the Order of 1914 the Undertakers may issue preference capital under the powers of that Order bearing a rate of dividend not exceeding seven pounds per centum per annum.

Dividend on
different
classes of
shares to be
paid propor-
tionately.

25. In case in any year or half-year (if the Undertakers declare a dividend half-yearly) the funds of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class.

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26.—(1) All ordinary and preference shares forming part of the additional capital authorised by this Order shall be issued in accordance with the provisions of this article.

(2) All shares 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 Undertakers 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 within the limits of supply and to the secretary of the London Stock Exchange at least fourteen 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 said limits ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the directors in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale shall comprise shares 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 Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares which have been so offered for sale and are not sold may be offered at the reserve price in manner prescribed by a resolution passed by the directors to the holders of shares of the Undertakers and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors may think fit or to one or more of these classes of persons only Provided that in case of an offer to holders of shares if the aggregate amount of shares 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 which have been offered for sale in accordance with the provisions of sub-division (2) or of sub-divisions (2)

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New capital
to be sold
by auction
or tender.

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and (3) of this article and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this article and any such shares 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares.

Power to
borrow.

27.—(1) The amount of all money borrowed by the Undertakers and secured by mortgage of the undertaking shall not exceed in the whole one third part of the amount of the capital of the Undertakers actually raised in respect of the undertaking by the issue of shares including any premiums that may have been or may be obtained on the sale of any such shares.

(2) No higher rate of interest than six pounds per centum per annum shall be paid by the Undertakers without the consent of the Minister of Health in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid and article 17 of the Order of 1914 in its application to any moneys so borrowed shall be read and have effect as if the words "six pounds per centum per annum" had been inserted therein in lieu of the words "five pounds per centum per annum."

Application
of moneys.

28. All moneys including premiums raised under this Order shall be applied only to the purposes of the undertaking to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend and the Undertakers may apply to the purposes of this Order 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 Undertakers were authorised to raise the same.

Receipt in
case of
persons not
sui juris.

29. If any money is payable to a shareholder 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 Undertakers.

Authentica-
tion and
service of
notices by
Undertakers.

30. Any notice to be served by the Undertakers on a person supplied with water shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers 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

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notice to pay any charge in respect of a supply of water or water fittings 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.

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—
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 Order.*

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

Penalty for closing valves and apparatus.

32. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against 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 penalties &c.

33. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the undertaking or any incorporated enactment whether provision is or is not made for the recovery thereof 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.

Recovery of demands.

34. Penalties imposed under this Order and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Penalties not cumulative.

35. Where the payment of more than one sum by any person is due under any Act or Order for the time being relating to the Company any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain

Several sums in one summons.

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A.D. 1927: in the body thereof or in a schedule thereto all the sums payable by him.

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Repeal.

36. The following enactments are hereby repealed :—

THE ORDER OF 1896 :

Section 32 (Several sums in one summons).

THE ORDER OF 1914 :

Section 19 (Supply of water by hose-pipe to stables &c.);

Section 21 (Supply to houses partly used for trade &c.);

Section 29 (As to communication pipes).

Costs of
Order.

37. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and may be paid by the Undertakers as part of their expenses on revenue account.

Given under the Official Seal of the Minister of Health this Seventh day of April One thousand nine hundred and twenty-seven.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

CANTERBURY WATER.

Canterbury
Order.

Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 for empowering the Canterbury Gas and Water Company to raise additional capital and to increase their borrowing powers for the purposes of their water undertaking.

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and
collective
titles.

1. This Order may be cited as the Canterbury Water Order 1927 and the Canterbury Gas and Water Act 1866 the Canterbury Water Order 1873 the Canterbury Gas and Water Act 1890 and the

Canterbury Gas and Water Company (Modification of Charges) Order 1922 and this Order may be cited together as the Canterbury Water Acts and Orders 1866 to 1927. A.D. 1927.
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Canterbury Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):— Incorporation of Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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

and Part I (relating to cancellation and surrender of shares)

Part II (relating to additional capital) and Part III (relating to

debenture stock) of the Companies Clauses Act 1863 as amended

by subsequent Acts are except where expressly varied by this

Order incorporated with and form part of this Order.

For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

4.—(1) In this Order unless the context otherwise requires— Interpretation.

"The Act of 1866" means the Canterbury Gas and Water Act 1866;

"The Act of 1890" means the Canterbury Gas and Water Act 1890;

"Water undertaking" means the water undertaking of the Company as authorised by the Act of 1866 and the Act of 1890;

"The Undertakers" means the Canterbury Gas and Water Company;

"The limits of supply" means the limits within which the Undertakers are for the time being authorised to supply water;

"The directors" means the directors of the Undertakers.

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—
*Canterbury
Order.*

(2) The several words terms and expressions to which by the Acts incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings.

Additional
capital.

5. In addition to the capital already authorised to be raised by the Undertakers for the purposes of their water undertaking they may—

- (1) Raise any further sums not exceeding in the whole thirty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as hereinafter provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty thousand pounds;
- (2) Borrow on mortgage of their water undertaking in respect of the additional capital such sum or sums not exceeding in the whole one-half of the additional capital at the time actually raised by the issue of shares or stock including the premiums (if any) realised on the sale thereof but no sum shall be borrowed in respect of any additional capital raised until the Undertakers 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 or shares at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up;
- (3) Borrow on mortgage of their water undertaking (at any time after the commencement of this Order and without obtaining the certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845) in respect of the capital issued for the purposes of such water undertaking before the commencement of this Order a sum or sums not exceeding in the aggregate the sum of £36,250 inclusive of the sums already borrowed in respect thereof.

6.—(1) Notwithstanding anything contained in the Canterbury Water Acts and Orders 1866 to 1927 all shares or stock created and issued by the Undertakers after the commencement of this Order for the purposes of their water undertaking shall be issued in accordance with the provisions of this Article.

A.D. 1927.

—
*Canterbury
Order.*

New shares
or 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 directors shall from time to time determine Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district 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 by the directors and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) 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 Undertakers 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 Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly

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A.D. 1927. as may be in proportion to the amounts applied for by them respectively.

—
*Canterbury
Order.*

(4) Any shares or stock which have been offered for sale in accordance with sub-division (2) or with sub-divisions (2) and (3) of this Article and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this article 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Appoint-
ment of
receiver.

7. The mortgagees of the Undertakers under this Order 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-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Limit of
dividend on
additional
capital.

8. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than eight pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Power to
create
debenture
stock.

9. The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 33 of the Act of 1890 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing
mortgages
to have
priority.

10. All mortgages granted by the Undertakers in pursuance of the powers of any Act of Parliament before the commencement of this Order and subsisting at that date 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 virtue of this Order but nothing in this Article contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

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11. Except as by this Order otherwise provided the capital in new shares or stock created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

Canterbury Order.

New shares or stock to be subject to the same incidents as other shares or stock.

12. If any money be payable to a shareholder being a minor idiot or lunatic the receipt therefor of the guardian committee or receiver of his estate shall be a sufficient discharge to the Undertakers.

Receipt in case of person not sui juris.

13. All moneys raised under this Order 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 Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of moneys.

14. The Undertakers shall not without the consent of the Minister of Health pay interest at a higher rate than six pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of interest on moneys borrowed.

15. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and may in whole or in part be charged against revenue and if wholly charged against revenue may be spread over a period not exceeding five years.

Costs of Order.

Given under the Official Seal of the Minister of Health
this Thirteenth day of April One thousand nine hundred
and twenty-seven.

(L.S.)

R. B. CROSS
Assistant Secretary Ministry of Health.

A.D. 1927.

DORKING WATER.

*Dorking
Order.*

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 for em-
powering the Dorking Water Company to raise addi-
tional capital and for other purposes.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and
collective
titles.

1.—(1) This Order may be cited as the Dorking Water Order 1927.

(2) The Dorking Water Act 1869 (in this Order referred to as “the Act of 1869”) the Dorking Water Order 1879 (in this Order referred to as “the Order of 1879”) the Dorking Water Act 1900 (in this Order referred to as “the Act of 1900”) the Dorking Water Order 1905 (in this Order referred to as “the Order of 1905”) the Dorking Water Order 1907 (in this Order referred to as “the Order of 1907”) and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order and may be cited collectively as the Dorking Water Acts and Orders 1869 to 1927.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as “the commencement of this Order.”

Incorpora-
tion of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 as amended by subsequent Acts with respect to the following matters (that is to say) :—

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of the creditors of the Company against the shareholders ;
- The borrowing of money by the Company on mortgage or bond ;

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- The consolidation of the shares into stock;
- The general meetings of the Company and the exercise of the right of voting by the shareholders;
- The making of dividends;
- The giving of notices; and
- The provision to be made for affording access to the special Act by all parties interested;

A.D. 1927.

—
Dorking
Order.

and of Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Undertakers) and of the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

4. The several words terms and expressions to which by any Act wholly or partly incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and "the directors" means the directors of the Undertakers.

5. The Dorking Water Company incorporated by the Act of 1869 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

6. In addition to the capital already authorised to be raised by the Undertakers they may—

- (1) Raise any further sums not exceeding in the whole thirty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the further new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as hereinafter provided shall have been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce

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*Dorking
Order.*

including any premiums which may be obtained on the sale thereof the sum of thirty thousand pounds; and

- (2) Borrow on mortgage in respect of the further new capital any sum or sums not exceeding in the whole one fourth part of the amount of the further new capital at the time actually raised by the issue of shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

7. Except as by this Order otherwise provided the further new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the further new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New capital to be sold by auction or tender.

8.—(1) All ordinary and preference shares or stock forming part of the further new capital shall be issued in accordance with the provisions of this Article.

(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 Undertakers shall by special resolution determine :

Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits within which the Undertakers are for the time being authorised to supply water 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 ;

A.D. 1927;

—
*Dorking
Order.*

- (b) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened until after the day of auction or last day for the receipt of tenders as the case may be ;
- (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 and 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 Undertakers 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 to the holders of preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the Undertakers may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered 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 subdivision (2) or with subdivisions (2) and (3) of this article and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this article 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.

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A.D. 1927:

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*Dorking
Order.*

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of each class of shares or stock sold and the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

Power to
create
debenture
stock.

9. The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 18 of the Act of 1900.

Priority of
money raised
on mortgage
or debenture
stock over
certain other
claims.

10. All money to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers 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 Undertakers 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 Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

Existing
mortgages
to have
priority.

11. All mortgages granted by the Undertakers in pursuance of or in conformity with any Acts before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts in pursuance of or in conformity with which the same were granted have priority over any mortgages granted under the authority of this Order 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 Undertakers.

Appoint-
ment of
receiver.

12. Section 14 of the Order of 1907 (Appointment of receiver) is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to any proceedings pending at the commencement of this Order and in lieu thereof the mortgagees of the Undertakers 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

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shall not be less than one tenth part of the total amount for the time being owing by the Undertakers on mortgage. A.D. 1927.

13. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the further new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than five pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital. Dorking
Order.
Limit of
dividend
on new
capital.

14. In case in any half-year the funds of the Undertakers applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Undertakers a proportionate reduction shall be made in the dividend of each class. Dividends
on different
classes of
stock or
shares to be
paid propor-
tionately.

15.—(1) The Undertakers may create and issue any preference shares or stock or debenture stock (all of which are in this article included in the expression "stock") which they are authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Undertakers passed at a special meeting convened for the purpose. Redeemable
preference or
debenture
stock.

(2) If it is so provided in the resolution the Undertakers 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 the holder of any stock subject to his consent other stock in substitution therefor.

(3) The Undertakers may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid Provided that the creation and issue for that purpose of any particular class of stock shall not make the total nominal amount of such stock exceed the amount of that class of stock which the Undertakers are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock Provided also that any stock created and issued solely in substitution for stock shall not be subject to the provisions of Article 8 of this Order.

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A.D. 1927.

(4) The Undertakers shall not redeem out of revenue any stock so created as aforesaid.

*Dorking
Order.*

Limit of
interest on
money
borrowed.

16. The Undertakers shall not without the consent of the Minister of Health pay interest at a higher rate than five pounds ten shillings per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Application
of moneys.

17. All moneys raised under this Order 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 Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

New rates
for supply of
water for
domestic
purposes.

18. Section 32 of the Act of 1869 shall as from the first quarter day after the commencement of this Order be and the same is hereby repealed except for the purpose of recovering rates then due and owing or in arrear and in lieu thereof as from the first quarter day after the commencement of this Order the following provisions shall have effect within the limits within which the Undertakers are from time to time authorised to supply water :—

The Company shall at the request of every person entitled under this Act to demand a supply of water furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates within the limits of this Act a sufficient supply of wholesome water for the domestic purposes (including one water-closet) of every such occupier at any rate not exceeding the following rates (that is to say) :—

Where the rateable value of the premises supplied does not exceed five pounds at a rate not exceeding twopence per week ;

Where the rateable value of a house or part of a house shall exceed five pounds and not exceed twenty-five pounds a yearly rate not exceeding seven pounds ten shillings per centum on the annual value of such house or part of a house subject to a maximum charge of one pound ten shillings ;

Where such rateable value shall exceed twenty-five pounds a yearly rate not exceeding six pounds per centum on the amount of such annual value.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues (or if there is no such list in force by the last rate made for the relief of the poor)

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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 as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

A.D. 1927.

—
Dorking
Order.

19. 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 the Undertakers may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding twenty shillings per annum. The additional sums chargeable under this Article shall be paid quarterly in advance and be recoverable in all respects with and as the rate for the supply of water for domestic purposes to the premises.

Charge for
water used in
garages &c.

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

Directors
may deter-
mine remun-
eration of
secretary.

21. Notwithstanding anything in section 66 of the Companies Clauses Consolidation Act 1845 or in any other Act or Order incorporated herewith or relating to the Undertakers the ordinary meetings of the Undertakers shall be held once only in each year in the month of February or such other month as may from time to time be prescribed by a resolution of a general meeting.

Ordinary
meetings.

22. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and may in whole or in part be charged against revenue.

Costs of
Order.

Given under the Official Seal of the Minister of Health this
Eighth day of April One thousand nine hundred and
twenty-seven.

(L.S.)

R. B. CROSS
Assistant Secretary Ministry of Health.

A.D. 1927.

NEWHAVEN AND SEAFORD WATER.

*Newhaven
and Seaford
Order.*

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873 for extending
the area of supply of the Newhaven and Seaford Water
Company empowering the Company to raise additional
capital and for other purposes.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and
collective
titles.

1.—(1) This Order may be cited as the Newhaven and Seaford Water Order 1927.

(2) The Newhaven and Seaford Water Acts and Order 1881 to 1922 and this Order may be cited together as the Newhaven and Seaford Water Acts and Orders 1881 to 1927.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the date when the Act confirming this Order is passed which date is hereinafter referred to as “the commencement of this Order.”

Incorpora-
tion of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable to the purposes of this Order and are not inconsistent with the provisions of the existing Acts and Order or this Order) are subject to the provisions of the existing Acts and Order and this Order incorporated with this Order namely :—

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

The Companies Clauses Act 1863 as amended by subsequent Acts except Part IV (Change of name);

The Waterworks Clauses Acts 1847 and 1863 Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words “with the consent in writing of the owner or “reputed owner of any such house or of the agent of “such owner” were omitted therefrom.

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For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

A.D. 1927.

—
*Newhaven
and Seaford
Order.*

4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings
And—

Interpreta-
tion.

"The Act of 1898" means the Newhaven and Seaford Water Act 1898;

"The Act of 1922" means the Newhaven and Seaford Water Act 1922;

"The existing Acts and Order" means the Newhaven and Seaford Water Order 1881 the Act of 1898 and the Act of 1922;

"The new limits" means the parishes and portion of parish added to the Undertakers' limits of supply by article 6 of this Order;

"The undertaking" means the undertaking of the Undertakers for the time being authorised.

5. The Newhaven and Seaford Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

6.—(1) The limits within which the Undertakers may supply water shall extend to and include (in addition to the limits of supply defined in section 3 of the Act of 1922) the parishes of South Highton and Tarring Neville in the rural district of Newhaven and the portion of the parish of Beddingham in the rural district of Chailey known as Beddingham detached all in the county of East Sussex.

Extension of
limits of
supply.

(2) Subject to the provisions of this Order the Undertakers within the new limits shall have and may exercise all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties and obligations in respect thereof as they have and are subject to within the said limits of supply defined in section 3 of the Act of 1922.

7. If after seven years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in any part of the new limits the local authority may provide a supply in accordance

Power of
local autho-
rity to
supply water
in case Com-

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*Newhaven
and Seaford
Order.*

pany fails to
supply.

with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of the new limits and for the repeal of the powers of the Company in that behalf.

If any difference shall arise between the Undertakers and the said local authority or any such company body or person as to the sufficiency of the supply of water in the new limits such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

For protec-
tion of East
Sussex
County
Council.

8. The provisions of section 17 (For protection of East Sussex County Council) of the Act of 1922 shall apply to this Order and have effect as if the new limits were included within the limits of supply as defined by that Act.

For protec-
tion of Com-
missioners of
Sewers of
Lewes and
Laughton
Levels.

9. In laying any pipes or conduits or executing any works in the new limits whether under the powers of this Order or of the existing Acts and Order in under or through the sewers banks ditches or works belonging to or under the jurisdiction of the Commissioners of Sewers of the Lewes and Laughton Levels (in this article referred to as "the property and interests of the Commissioners") the following provisions shall have effect for the protection of the Commissioners of Sewers of the Lewes and Laughton Levels (in this article referred to as "the Commissioners") except so far as may be from time to time otherwise agreed between the Commissioners and the Undertakers:—

(1) All pipes conduits and works laid or executed in under or through the property and interests of the Commissioners shall be so laid to the reasonable satisfaction of the Commissioners and no such pipes or conduits or works shall be laid or constructed so as to diminish or impede the free flow and access of water in or through the property and interests of the Commissioners or so as to affect prejudicially the drainage of the land lying in such levels or allow salt water to penetrate into the fresh water ditches and no such pipes or conduits shall be laid or works executed until notice in writing shall be given to the Commissioners and the mode of laying the pipes or conduits and executing the works shall have been submitted to and approved by the Commissioners and such approval shall not be unreasonably withheld :

(2) All pipes and conduits laid and works executed under sub-division (1) of this article shall be maintained by the Undertakers in good repair and condition and so

as in no way to cause any injury to the property and interests of the Commissioners and the Undertakers shall as soon as practicable after receiving notice of any defect in such pipes conduits or works make good the defect and in default the Commissioners may carry out the necessary works to make good the defect and may recover the reasonable expense thereof from the Undertakers as a debt due by them to the Commissioners :

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- (3) Any dispute or difference which may arise between the Undertakers and the Commissioners with reference to the provisions of this article or to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Commissioners or failing agreement to be appointed by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

10. For the protection of the Southern Railway Company (hereinafter referred to as "the railway company") the following provisions shall unless otherwise agreed between the railway company and the Undertakers apply and have effect :—

For pro-
tection of
Southern
Railway
Company.

- (1) In laying down repairing or removing any mains pipes or culverts under the powers of this Order within the new limits upon across over under or in any way affecting the railway of the railway company or any bridge maintained by the railway company or any approaches to any such bridge or within the railway company's boundaries (in this section called "the railway works") the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company and (except in emergency) according to such plans sections and specifications and at such times as shall be previously reasonably approved in writing by him or in the event of disapproval then in such manner and at such times as shall be determined by arbitration in manner hereinafter provided Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations the Undertakers may execute the work without his superintendence :

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- (2) All such works as are mentioned in sub-division (1) of this article shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the railway works and the Undertakers shall within the railway company's boundaries so execute any such works as aforesaid as to interfere with or impede as little as possible any improvement or widening of the railway which may be carried out by the railway company under any powers vested in them at the commencement of this Order :
- (3) The Undertakers shall if required so to do by the said engineer provide and maintain such stopcocks as may be necessary on any mains or pipes to be laid by the Undertakers on over or under or in any way affecting the railway company's property :
- (4) If any injury or damage to the railway works or property of the railway company or any interruption to the traffic of the railway company shall be in any way occasioned by the Undertakers or by their contractors agents or workmen in executing any such works as aforesaid the Undertakers shall forthwith make compensation to the railway company in respect thereof and the amount of such compensation shall if not agreed be determined by arbitration as hereinafter provided :
- (5) All such mains pipes and culverts of the Undertakers as aforesaid laid or placed within the new limits upon across over or under the railway works shall be at all times maintained in good repair by the Undertakers and if not so maintained the railway company from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers may require the Undertakers forthwith to put into good repair any such main pipe or culvert as aforesaid which may be in want of repair If the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company without any further notice to the Undertakers may repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or culvert as aforesaid being in want of

repair the railway company may without giving such notice as aforesaid make such repairs as may be immediately necessary and the reasonable expenses of the same shall be repaid as hereinbefore provided :

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- (6) All additional expense which the railway company may reasonably and properly incur in widening altering reconstructing or maintaining the railways or the works connected therewith under any powers vested in them at the commencement of this Order by reason of the existence of any such mains pipes or culverts of the Undertakers as aforesaid within the new limits shall be paid by the Undertakers :
- (7) The Undertakers shall bear and on demand pay to the railway company all reasonable costs of watching lighting and protection of the railway works with reference to and during the laying down repairing or removing by the Undertakers of any such main pipe or culvert as aforesaid within the new limits so far as such costs may be agreed or determined by the arbitrator to have been necessary :
- (8) Any difference which may arise between the railway company and the Undertakers touching any of the matters referred to in this article shall be decided by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and decision.

11. In addition to the capital already authorised to be raised by the Undertakers they may—

Additional
capital.

- (1) Raise any further sums not exceeding in the whole the sum of six thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than one pound and it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the sale thereof the sum of six thousand pounds ;

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Order.*

(2) 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 raised under the provisions of sub-division (1) of this article but no sum shall be borrowed in respect of any shares or stock so issued until the Undertakers 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 additional capital at the time issued together with the premiums (if any) realised on the sale thereof has been fully paid up.

Limit of
dividend on
capital.

12. The Undertakers shall not in respect of any year declare or make out of their profits any larger dividend on the additional capital than at the rate of seven per centum on so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said rate or than six per centum on so much of the additional capital as may be issued as preference capital.

Debenture
stock.

13. The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 36 of the Act of 1898.

Appoint-
ment of
receiver.

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

(2) Section 40 (Appointment of receiver) of the Act of 1922 is hereby repealed.

Priority of
principal
moneys
secured by
existing
mortgages.

15. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the Act of 1898 or of the Act of 1922 before the commencement of this Order and subsisting at such commencement shall during the continuance of those mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Order.

Application
of sections of
Acts of 1898
and 1922.

16. The provisions hereinafter mentioned of the Act of 1898 and the Act of 1922 shall apply to any shares stock debenture stock or mortgages issued or granted under the powers of this Order in like manner as those sections apply to shares stock debenture stock or mortgages issued or granted after the passing of the Act of 1922 under the powers of that Act or the Act of 1898

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and as if the said sections were with any necessary modifications re-enacted herein The sections above referred to are as follows—

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The Act of 1898—

Section 26 Dividends on different classes of shares or stock to be paid proportionately;

Section 37 Priority of mortgages and debenture stock over other debts;

Section 38 Application of moneys.

The Act of 1922—

Section 33 New stock to be sold by auction or tender;

Section 34 Power to offer shares and stock for subscription and to pay commissions;

Section 44 Issue of redeemable preference capital and debenture stock.

17. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Act of 1898 or the Act of 1922.

Power to
apply funds

18. If any money is payable by the Undertakers to a holder of any share stock or debenture stock of or to a mortgagee of the Undertakers being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt in
case of
persons not
sui juris.

19.—(1) Notwithstanding anything in the Act of 1922 if the Undertakers supply water to any premises by gravitation from a reservoir constructed by the Undertakers after the commencement of this Order and the point at which such water shall be discharged or flow into those premises is at an altitude higher than two hundred and thirty feet above Ordnance datum the Undertakers may demand and take in respect of the water so supplied to those premises (whether for domestic purposes or by meter or otherwise) rates and sums exceeding by not more than forty per centum the rates and sums respectively authorised to be charged by the Undertakers by section 20 (Rates for supply of water for domestic purposes) and section 22 (Price of supply by meter) of the Act of 1922 Provided that at any time after the expiration of five years after the commencement of this Order the Minister may if he thinks fit on the application of the Undertakers or of the Council of any urban or rural district within which the Undertakers supply water by order vary by way of increase or decrease the rates and sums authorised to be charged by the Undertakers under this sub-division.

Charges for
high pres-
sure supplies.

(2) Where the Undertakers supply water to any premises at the request of the owner or occupier thereof and such supply cannot be given by gravitation from any reservoir of the Under-

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takers for the time being existing the Undertakers may charge in respect of the costs and expenses incurred by them in pumping water to such premises such reasonable sum as may be agreed between the Undertakers and such owner or occupier or failing agreement be determined in like manner as the annual rent payable for any communication pipes or other works constructed by the Undertakers for the supply of water to such premises would in case of dispute be determined under section 44 of the Waterworks Clauses Act 1847 Any sum payable to the Undertakers under this sub-division shall be in addition to the rates or charges for the supply of water to those premises which the Undertakers may demand under the provisions of the existing Acts and Orders and this Order and shall be recoverable in like manner as those rates and charges.

Costs of
Order.

20. All costs and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers and may in whole or in part be charged against revenue.

Given under the Official Seal of the Minister of Health
this Thirteenth day of April One thousand nine
hundred and twenty-seven.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

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