



CHAPTER lxxv.

An Act to make further provision as to the capital of the Isle of Wight Waterworks Company for varying the charges of the Company and for other purposes. A.D. 1927.
[29th July 1927.]

WHEREAS by the Isle of Wight Waterworks Act 1861 (hereinafter called "the Act of 1861") the Isle of Wight Waterworks Company (hereinafter called "the Company") were incorporated and were authorised to construct waterworks and to supply water within limits in the said Act more particularly mentioned :

And whereas by the said Act it was declared that the capital of the Company should be twenty thousand pounds in two thousand shares of ten pounds each and that the Company might borrow on mortgage of the undertaking any sum or sums not exceeding in the whole five thousand pounds :

And whereas the whole of the said two thousand shares were issued as ordinary shares all of which were fully paid up and are now represented by twenty thousand pounds consolidated stock :

And whereas the Company have for many years past paid no dividend on the said consolidated stock :

And whereas the Company have also issued and there are now outstanding debentures for six thousand two hundred and eighty pounds carrying interest at the rate of four pounds per centum per annum :

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

— And whereas by an indenture dated the fourth day of August one thousand nine hundred and fifteen (hereinafter called "the deed of grant") and made between the Right Honourable Richard Everard Viscount Alverstone (therein called "the licensor") of the one part and the Company of the other part after reciting that the licensor had constructed certain waterworks in the limits of the Company for the supply of water and was affording supplies of water therefrom to certain parishes towns and districts within the said limits and had advanced to the Company sums of money amounting to twenty-seven thousand eight hundred and thirty pounds for which the Company had issued to him terminable debentures which the Company were unable to redeem at the due dates the licensor in consideration of an annual rent of one thousand one hundred and thirteen pounds four shillings and certain other rents to be paid and certain obligations to be performed by the Company granted to the Company full liberty licence and authority for a period of nine hundred and ninety-nine years (inter alia) to enter upon use and occupy the said waterworks and undertook to procure the release of the Company from the said debentures so issued to him as aforesaid :

And whereas the rights to the rents reserved by the deed of grant are now vested in the persons being the trustees (hereinafter called "the Alverstone trustees") under the will of the licensor and the said rents are now in arrear to the extent of upwards of nine thousand pounds :

And whereas as appears by the agreement set out in the First Schedule to this Act the Alverstone trustees are willing to forego the said arrears of rents and to release the Company from their obligations under the deed of grant in respect of the said rents in consideration of the issue to the Alverstone trustees of ordinary stock of the Company as provided for by this Act and to transfer to the Company for the consideration in the said agreement mentioned such rights and interests as the Alverstone trustees may have in the said waterworks as described in the said agreement and in certain lands on which some of such waterworks are situate as therein described and it is expedient that such agreement should be confirmed

and such provision made with reference to the matters A.D. 1927.
aforesaid as is in this Act hereinafter contained : —

And whereas the demand for the supply of water in the limits of supply of the Company is increasing and further capital is needed to enable the Company to give the supply which the Company are now affording and to enable the Company to meet such further demand :

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

And whereas by the Isle of Wight Waterworks Company (Modification of Charges) Order 1925 the Minister of Health acting under the Water Undertakings (Modification of Charges) Act 1921 modified the provisions of sections 25 and 27 of the Act of 1861 which relate to charges for water supplied by the Company so as to authorise the Company to charge in respect of the matters in those sections mentioned rates not exceeding by more than thirty per centum the rates chargeable under the said sections and it is expedient that such provision should be made as to the rates and charges of the Company as is in this Act hereinafter contained :

And whereas it is expedient that further powers should be conferred upon the Company as are by this Act provided and that such other provision should be made as is set forth in this Act :

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

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

1. This Act may be cited as the *Isle of Wight Water Act 1927* and the *Isle of Wight Waterworks Act 1861* and this Act may be cited together as the *Isle of Wight Water Acts 1861 and 1927.* Short title.

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

Incorporation of Acts.

2. There are hereby incorporated with this Act—

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

The distribution of the capital of the Company into shares;

The transfer and 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 bonds;

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 the said provisions shall so far as the same are respectively applicable apply to any ordinary and preference stock to be issued under the powers of this Act; and

Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

so far as such provisions and Parts are applicable for the purposes of and are not inconsistent with this Act; and

(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) so far as the same are

applicable for the purposes of this Act and are not inconsistent with the Act of 1861; and

A.D. 1927.

- (3) The Lands Clauses Acts except the provisions thereof with reference to the purchase and taking of lands otherwise than by agreement.

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—

Interpreta-
tion.

“The Company” means the Isle of Wight Waterworks Company;

“The Act of 1861” means the Isle of Wight Waterworks Act 1861;

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

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

“The scheduled agreement” means the agreement set out in the First Schedule to this Act;

“The directors” means the directors of the Company;

“The deed of grant” means the indenture dated the fourth day of August one thousand nine hundred and fifteen and made between the Right Honourable Richard Everard Viscount Alverstone of the one part and the Company of the other part;

“The Alverstone trustees” means the persons who are at the date of the passing of this Act entitled to receive the rents payable under the deed of grant and includes any persons being their successors who shall be so entitled.

4.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications if any as may be agreed between the said parties in writing.

Confirma-
tion of
scheduled
agreement.

(2) The sale and purchase provided for by the scheduled agreement shall be carried into effect by a deed duly stamped which may be in the form set out in the Second Schedule to this Act or to the like effect or in

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. such other form as may be agreed between the parties to the said agreement.

(3) If and so long as the Company shall be entitled to the occupation of the waterworks and lands mentioned in the deed of grant under the said deed or under the sale and purchase provided for by this section the same shall be deemed to form part of the undertaking.

Issue of stock to Alverstone trustees and cesser of rents under deed of grant.

5.—(1) On the first day of January one thousand nine hundred and twenty-eight there shall be created by virtue of this Act and the directors shall issue to the Alverstone trustees certificates for and shall register in the books of the Company in the names of the said trustees twenty-seven thousand three hundred and thirty pounds of ordinary stock of the Company.

(2) The Alverstone trustees are hereby authorised and required to accept the said ordinary stock to be so registered in their names as aforesaid and may and shall hold and deal with the same in all respects as they may hold dispose of or otherwise deal with any capital investments which are subject to the trusts to which the said rents payable under the deed of grant are subject and are hereby indemnified in respect of all acts bona fide done by them in pursuance of the provisions of this Act.

(3) As from the said first day of January one thousand nine hundred and twenty-eight the annual rent of one thousand one hundred and thirteen pounds four shillings and all other rents (if any) reserved by the deed of grant and thereby made payable by the Company shall cease to be payable.

(4) All arrears of rent due under the deed of grant on the said first day of January shall be deemed to be cancelled.

Additional capital.

6. In addition to the other powers of raising or issuing capital conferred by this Act the Company may from time to time raise additional capital not exceeding in the whole ten thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or other of those modes respectively. Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of

capital than shall after taking into account any premiums which may be obtained on the issue thereof be sufficient to produce the sum of ten thousand pounds.

A.D. 1927.

7.—(1) All shares or stock created under the powers of the section of this Act of which the marginal note is “Additional capital” shall be issued in accordance with the provisions of this section.

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 Company shall from time to time determine Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk to the district council of every district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (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 Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

A.D. 1927.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the 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.

(6) The provisions of this section shall not apply to any ordinary or preference stock of the Company which may be issued to the Alverstone trustees under the terms of the scheduled agreement.

8. Except as is by this Act otherwise provided the capital in new shares or stock created under or by virtue of this Act 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 Company of the same class or description and the new shares or stock were shares or stock in that capital.

Incidents
of new
shares or
stock.

A.D. 1927.

9. The Company shall not in any year pay out of their profits any larger dividend on any ordinary capital of the Company issued under the powers of this Act than a dividend at the rate of seven pounds per centum per annum nor any larger dividend on any preference capital of the Company than a dividend at such rate not exceeding seven per centum as the directors may determine at the time or times of the creation or issue of such preference capital unless a larger dividend be at any time necessary to make up a deficiency of any previous dividend on any portion of any such capital as may be issued as ordinary capital which shall have fallen short of the rate of seven pounds per centum per annum.

Profits
of Com-
pany on
additional
capital
limited.

10. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in respect of each class.

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

11. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of any ordinary and preference capital or either of them which at the time of borrowing has been created and issued by the Company under the powers of the Act of 1861 and this Act or either of them but no sum shall be so raised until the Company shall have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the capital at the time issued together with any premiums (if any) realised on the sale thereof has been fully paid up.

Power to
borrow.

12. The Company may without being required to obtain the certificate of a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking or raise by the creation and issue of debenture stock any sum not exceeding (together with the moneys which at the passing of this Act have been so borrowed or raised) ten thousand pounds.

Borrowing
powers
in respect
of issued
capital.

13. The creation and issue by the Company of debentures for six thousand two hundred and eighty pounds is hereby confirmed.

Confirma-
tion of
issue of
debentures.

A.D. 1927.

—
Debenture
stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Power to
exchange
or redeem
existing
debentures.

15.—(1) The Company may by agreement with the holder of any portion of the six thousand two hundred and eighty pounds five per centum debentures created and issued by the Company at any time substitute for the debentures now held by him any debenture stock to be issued under the powers of this Act or may pay off the amount secured by such debentures or any of them with moneys to be raised under the powers of this Act and the holder of any such debenture may agree with the Company for the substitution for or payment off of such debenture by means of debenture stock so to be issued or moneys so to be raised or partly by one method and partly by the other. Provided always that nothing contained in this section shall authorise a trustee to accept any such debenture stock unless the same constitutes a security in which such trustee is entitled to invest moneys under the instrument creating the trust.

(2) To the extent of the amount of any debentures for which debenture stock is so substituted or which is so paid off the powers of the Company of borrowing money shall be deemed to be revived and the Company may accordingly under and subject to (so far as applicable) the provisions of this Act re-borrow money on mortgage or create and issue debenture stock to the extent aforesaid.

(3) No certificate of a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 shall be required to any re-borrowing authorised by this section.

A.D. 1927.

(4) All transfers or other dispositions of debentures for which debenture stock shall be substituted under the provisions of this Act shall after the substitution thereof of such debenture stock be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of debenture stock which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination of such debentures and the bequest of or any covenant or provision of any deed or agreement relating to any such debentures shall be held to apply to the nominal amount of debenture stock issued in substitution for such debentures under the provisions of this Act.

16.—(1) The Company may create and issue all or any preference stock or debenture stock which they are by this Act authorised to create and issue (both of which are in this section referred to as “stock”) so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

Redeemable
preference
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 date fixed for redemption;
- (b) Redeem the stock or any part thereof by paying off the stock or by issuing to any holder of any stock subject to his consent other stock in substitution therefor;
- (c) The Company may for the purpose of providing money for paying off the stock or for the purpose of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid :

Provided that—

- (a) The creation and issue for those purposes 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 except during the necessary interval between the creation

A.D. 1927.

and issue of new stock and the redemption of the old stock; and

(b) The provisions of the section of this Act of which the marginal note is "New shares or stock to be sold by auction or tender" shall not apply to any stock proposed to be issued or re-issued only in substitution for any stock to be redeemed.

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

Priority of mortgages and debenture stock over other debts;

17. All money owing by the Company on mortgage or debenture stock created under or by virtue of any former Act relating to the Company or 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 or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Appointment of receiver.

18. 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 three thousand pounds in the whole.

Minimum amounts of holdings of stock.

19.—(1) Any ordinary or preference or debenture stock of the Company may be issued in amounts of one pound or of any multiple of one pound and not otherwise.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary or preference or debenture stock of the Company as the case may be. A.D. 1927.

20. If any money is payable to a shareholder or stockholder or 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. Receipt in case of persons not sui juris.

21. All moneys raised under this Act including premiums (after deducting from such moneys the expenses of and incidental to the issue of shares or stock under the provisions of this Act) 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 such shares or stock shall not be considered as part of the capital of the Company entitled to dividend. Application of moneys.

22. Subject to the provisions of this Act so long as the Company shall be entitled to use and occupy the waterworks described in the scheduled agreement the Company may collect impound take use divert and appropriate all such water as may be intercepted by means of any of such works. Power to take waters.

23. The Company shall within a period of twelve calendar months after the passing of this Act or within such further time as the Minister of Health may allow submit to the Minister for his approval a scheme for effectively filtering the water abstracted by the Company from the River Yar for use for domestic purposes and the Company shall within a period of twelve calendar months after the approval by the Minister of such scheme or within such further time as the Minister may allow execute such works as may be necessary to give effect to such scheme as so approved. Provision as to filtering water.

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

25. In addition to any lands which the Company are authorised to acquire by the Act of 1861 and the lands vested in the Company under or by virtue of Acquisition of lands by agreement.

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. — this Act the Company may by agreement purchase or take leases of and hold further lands for the purposes of the undertaking or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands but the quantity of lands held by the Company in pursuance of this section shall not at any time exceed twenty acres Provided that the Company shall not create or permit any nuisance on any such lands nor erect any buildings thereon except such as are required for or are connected with or incident to the purposes of the undertaking.

Power to hold lands for protection of waterworks.

26. The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the undertaking.

Rates for supply of water for domestic purposes.

27. As from the first quarter-day after the passing of this Act the following provisions (notwithstanding the provisions of section 26 (What shall be deemed domestic purposes) and section 27 (Rates for water-closets) of the Act of 1861) shall have effect in lieu of section 25 (Rate at which water is to be supplied for domestic purposes) of the Act of 1861 (that is to say):—

- (1) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Acts for the time being relating to the Company to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding ten per centum of the gross value of the premises so supplied

A.D. 1927.

and so in proportion for any shorter period than a year Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than fourpence a week :

- (2) The gross 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 Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction :
- (3) In addition to the foregoing charges the Company may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply 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 rate :
- (4) In this section the expression "gross value" has the meaning given to that expression by section 68 of the Rating and Valuation Act 1925 Provided that until the first new valuation lists under the Rating and Valuation Act 1925 have come into force within the limits of supply the expression "gross value" shall be deemed to mean the gross estimated rental of the premises so supplied with water.

28.—(1) The price to be charged by the Company for a supply of water by meter shall be as follows :—

Rate for
supply by
meter.

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons

A.D. 1927.

at a rate not exceeding two shillings and sixpence for every thousand gallons;

And where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding two shillings and sixpence for every thousand gallons up to the first fifty thousand gallons and at the rate of one shilling and eightpence for every thousand gallons in excess of the first fifty thousand gallons :

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.

(2) Nothing in this section shall affect any existing agreement during the currency thereof.

Charges for
hose-pipes.

29. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Company 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 charged under this section shall be recoverable in the same manner as water rates.

Rates
payable by
owners of
small
houses.

30. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply to
houses
partly used
for trade
&c.

31.—(1) The Company 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 A.D. 1927.

- (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 persons; or
- (d) Any public institution which is habitually occupied by at least twenty 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 calculated on the gross value thereof.

(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 gross value.

(4) In this section the expression "gross value" has the meaning given thereto by the section of this Act of which the marginal note is "Rates for supply of water for domestic purposes."

32. 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 three 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: Revision
of rates.

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

A.D. 1927. — 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.

Company not bound to supply several houses by one pipe.

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

Application of section 35 of Waterworks Clauses Act 1847.

34. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Company be read and construed as if the one-tenth part of the expenses of providing and laying down pipes mentioned in that section were one-seventh part of such expense.

Power to lay pipes in private streets.

35.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Isle of Wight Water Acts 1861 and 1927.

(2) The powers conferred by this section shall not extend to any existing street or road belonging to or forming the approach to any station or depôt of the Southern Railway Company unless the consent of such company is first obtained. Such consent shall not be unreasonably withheld and if any difference arises between the said railway company and the Company as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon by the said railway company and the Company or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. The Company shall not in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road.

36. 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.

A.D. 1927.
As to communication pipes.

37. 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 which the Company are not under obligation to maintain 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.

38. Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipe therewith and the Company shall on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith but

Company to connect communication pipes with mains.

A.D. 1927. subject to any obligations of such owner or occupier in relation to the execution of such work and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Mainten-
ance of
common
pipe.

39. 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.

40. 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.

Detection of
waste.

41.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

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

42.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

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

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

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

A.D. 1927.

Byelaws for
preventing
waste &c. of
water.

A.D. 1927.

Register of
meter to be
prima facie
evidence.

43. Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Company. Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring
meters &c.

44. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained. In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registration by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be paid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming

or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1927.
—

45. All engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Company Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Fittings on hire to remain property of Company.

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

Notice to Company of connecting or disconnecting meters.

47. The Company may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied

Supply in bulk.

A.D. 1927. and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply. Provided also that nothing in this section shall authorise the Company to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Purchase of water in bulk.

48. The Company may enter into and carry into effect agreements made with any local authority company body or person supplying water under Parliamentary authority 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.

Guarantees by district councils.

49.—(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 Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipes or works for the supply of water within any part of such district.

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

Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special expenses rate.

(3) Nothing in this section shall be deemed to authorise any such urban or rural district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of

supply and within the limits for the supply of water of any other authority supplying water under Parliamentary authority without the consent of such other authority. A.D. 1927.
—

50. 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 superannuation and other allowances.

51. 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 sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company. Power to directors to make donations &c.

52. The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company The auditors or in the case of a firm being so appointed as auditors the members of such firm shall be persons who are members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or who are accountants approved by the Minister of Health and the auditors need not hold shares or stock of the Company but nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the Company continuing to act as such auditor If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated therewith relating to the prescribed number of auditors shall not apply to the Company. Auditors.

53. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of February or March or at such other time as the directors may appoint and it shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or to make up a balance sheet half-yearly. Ordinary meetings.

A.D. 1927.

—
Scale of
voting.

54.—(1) At every meeting of the Company every holder of ordinary shares or stock and (subject as hereinafter mentioned) of preference shares or stock of the Company shall be entitled to one vote for every complete ten pounds of such shares or stock held by him.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock to which a preferential dividend shall be assigned.

As to
appoint-
ment of
proxies.

55. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint
holders.

56. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

Interim
dividends.

57. The directors may in any year without calling a meeting of the Company for the purpose declare and pay an interim half-yearly dividend out of the then ascertained profits of the Company Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed in any half-year one-half of the amount of the maximum rates of dividend on the ordinary capital or one-half of the annual dividend assigned to the preference capital of the Company in respect of which such interim dividend is declared.

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

A.D. 1927.

—
Closing of
transfer
books.

59. The qualification of a director of the Company shall be the possession in his own right of ordinary shares or stock and preference stock or either of them of the nominal value of at least one hundred pounds.

Qualifica-
tion of
directors.

60. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors
holding
office under
or con-
tracting
with
Company.

A.D. 1927.

—
Notice of
candidature
of or oppo-
sition to re-
election of
director.

61. From and after the passing of this Act no person not being a retiring director of the Company shall be eligible to be elected at any general meeting of the Company a director of the Company unless notice in writing is given to the secretary or left at the principal office of the Company fourteen days at least before the day of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office Any such person must have been the holder of the qualifying amount of shares or stock or shares and stock for at least three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

Directors
may deter-
mine remun-
eration of
secretary.

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

Authentica-
tion and
service of
notices by
Company.

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

Notice of
discon-
tinuance.

64. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of

the consumer and be left at or sent by post to the office of the Company or be given by the consumer personally at the office of the Company. A.D. 1927.

65. 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 of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons.

66. 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 any rate. Judges not disqualified.

67. 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. Penalties not cumulative.

68. 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 those Acts or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

69. 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. Recovery of demands.

70.—(1) The following sections of the Act of 1861 are hereby repealed (that is to say) :— Repeal.

- Section 9 (Receipts for disqualified persons);
- Section 13 (Manner of voting at meetings);
- Section 14 (Number and qualification of directors) so far as relates to qualification of directors;
- Section 17 (Contracts made with any member of local board not to disqualify);

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

- Section 28 (Houses to be supplied under certain regulations);
Section 31 (Water may be cut off in certain cases);
Section 32 (Penalty for using water for other than domestic purposes without agreement);
Section 33 (Recovery of sums not exceeding fifty pounds);
Section 34 (Undisputed rates &c. may be recovered by distress);
Section 35 (Several names in one warrant);
Section 36 (Costs of distress);
Section 37 (Liability to rates not to disqualify justices);
Section 38 (Penalties not cumulative);
Section 39 (Power for justices to order inquiry into state of reservoir);
Section 40 (Order of justices for immediate repair);
Section 41 (Order of justices after summons on Company to repair reservoir);
Section 42 (Order of justices on failure of Company to obey orders);
Section 43 (Form of order);
Section 44 (Persons acting under order of justices not deemed trespassers);
Section 45 (Justices may impose penalty on Company for disobeying order);
Section 46 (Order of justices on Company for payment of costs);
Section 47 (Power to Company to appeal against order);
Section 48 (Company not to be liable for consequences of such orders).

(2) Section 25 (Rate at which water is to be supplied for domestic purposes) and section 27 (Rates for water-closets) of the Act of 1861 shall be repealed and the Isle of Wight Waterworks Company (Modification of Charges) Order, 1925 shall be annulled as from the first quarter day after the passing of this Act but 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 date.

71.—(1) If the Sandown Urban District Council (in this section called "the council") shall introduce in the next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the Company and shall bonâ fide promote the same the Company shall not oppose such Bill except in so far as they may deem necessary in order to secure the insertion therein of provisions in accordance with this section to protect their interests with respect to the sale and purchase provided for by this section.

A.D. 1927.
As to
purchase of
under-
taking by
Sandown
Urban
District
Council.

(2) If the council obtain such an Act authorising such purchase they shall within six months after the passing of such Act purchase and the Company shall sell and transfer to the council for the price or for the consideration of thirty-five thousand five hundred pounds the undertaking of the Company freed from any then existing debenture mortgage or other debts or similar liabilities of the Company but subject to any other obligations of the Company under the Acts of Parliament relating to the Company.

(3) The said Bill shall provide that as from the date of transfer all obligations of the Company with reference to the supply of water shall cease and determine.

(4) The said Bill shall provide that on any such purchase the Company shall be entitled to retain all rates rents and sums of money accrued due at the date of transfer and shall discharge and pay all outgoings and liabilities of the Company in respect of the undertaking of the Company up to the date of transfer and that as from that date the council shall be entitled to all rates rents and sums of money accruing due and shall discharge all outgoings and liabilities in respect of the undertaking of the Company. The said Bill shall also provide for the winding up of the Company and their affairs at the expense of the Company.

(5) The Company shall not except with the consent of the council raise previously to the twentieth day of November one thousand nine hundred and twenty-seven any of the additional capital authorised by this Act and if the council shall give notice of such Bill as aforesaid in October or November one thousand nine hundred and twenty-seven the Company shall not except with such consent as aforesaid raise any of such capital during the promotion of such Bill but

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. — nothing contained in this section shall prevent the Company carrying on and maintaining their undertaking in the ordinary course of their business or raising any moneys necessary to pay any costs charges and expenses of and incident to the preparing for and obtaining and passing of this Act and any costs charges and expenses of the Company of and incidental to the transfer of the undertaking of the Company to the council.

(6) The council shall repay to the Company any capital moneys expended by the Company with the consent of the council before the twentieth day of November one thousand nine hundred and twenty-seven or during the promotion of the said Bill.

(7) The Company shall not dispose of any part of the undertaking of the Company before the said twentieth day of November or during the promotion of the said Bill.

(8) In the construction of this section the expression "the undertaking of the Company" shall include all the lands buildings waterworks machinery mains pipes plant and apparatus contracts plans engineering reports and other documents stores and other property of the Company and all rights powers and privileges vested in and belonging to or had or enjoyed by the Company at the date of transfer save and except—

(a) cash balances (other than consumers' deposits) in the Company's hands or those of their bankers agents or servants and securities for money; and

(b) all rates rents and book and other debts or other sums of money received by or due to the Company or accrued due at the date of transfer and the directors' minute books and other books and papers relating exclusively to the stockholders in and the members and constitution of the Company;

all of which shall be retained by the Company.

Costs of Act.

72. 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 and may be paid wholly or partly out of revenue.

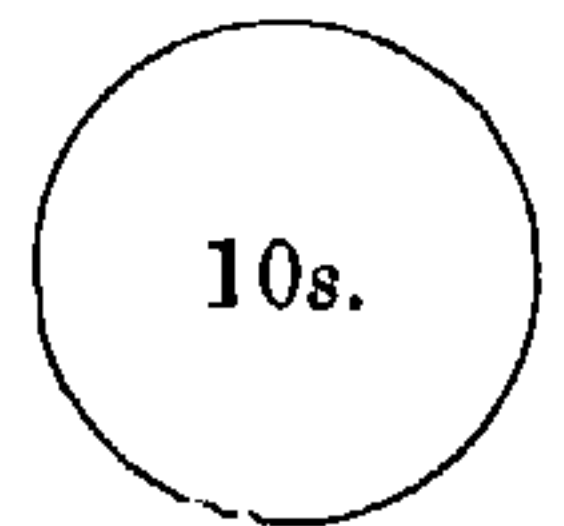
The SCHEDULES referred to in the
foregoing Act.

A.D. 1927.

THE FIRST SCHEDULE.

Stamp.

AN AGREEMENT made the tenth day of December one thousand nine hundred and twenty-six between ALFRED SHAW MELLOR of Box House Box in the county of Wilts gentleman and HUGH CALTHORP WEBSTER of Lea House Harpenden in the county of Hertford chartered surveyor (hereinafter called "the Alverstone Trustees") of the first part the Honourable DORA MARION SHAW MELLOR the wife of the said Alfred Shaw Mellor of the second part and THE ISLE OF WIGHT WATERWORKS COMPANY (hereinafter called "the Company") of the third part.



WHEREAS by an indenture (hereinafter called "the deed of grant") dated the fourth day of August one thousand nine hundred and fifteen and made between the Right Honourable Richard Everard Viscount Alverstone (therein and hereinafter called "the licensor") of the one part and the Company of the other part After reciting that the licensor had constructed certain waterworks and was supplying water in certain parts of the limits of supply of the Company and that the licensor had made advances of money to the Company amounting to twenty-seven thousand eight hundred and thirty pounds for which the Company had issued certain debentures the licensor in consideration of a yearly rent of one thousand one hundred and thirteen pounds four shillings and certain other rents in the deed of grant mentioned granted to the Company for a term of nine hundred and ninety-nine years liberty license and authority (inter alia) to enter upon and use the said waterworks of the licensor and by the deed of grant the licensor released and undertook to obtain the release of the Company from all debentures which had been issued to him by the Company as aforesaid :

And whereas the rights of the licensor under the deed of grant to the said rents thereby reserved are now vested in the Alverstone Trustees under and by virtue of the will of the licensor

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. which was proved in the Principal Probate Registry on the
fourteenth day of March one thousand nine hundred and
sixteen :

And whereas the said rents reserved under the deed of grant
are now in arrear to the extent of upwards of nine thousand
pounds :

And whereas the Alverstone Trustees have with the consent
of the said Dora Marion Shaw Mellor as testified by her signature
hereto agreed with the Company to release the Company from
all arrears of the said rents and from all liability of the Company
under the deed of grant in respect of the payment of rent in
consideration of the issue to the Alverstone Trustees of twenty-
seven thousand three hundred and thirty pounds of ordinary stock
of the Company and to sell and transfer to the Company at the
price of five hundred pounds all rights and interests of the
Alverstone Trustees in the waterworks which the Company
now use and occupy by virtue of the deed of grant and the lands
on which certain of such waterworks are situate and which
waterworks and lands are more particularly described in the
schedule hereto :

Now it is hereby agreed between the Alverstone Trustees and
the Company as follows :—

1. The Company shall in the next available session of
Parliament promote a Bill and use their best endeavours to
obtain an Act to create and to authorise the Company to issue
to the Alverstone Trustees such ordinary stock as aforesaid
and the Alverstone Trustees will on such stock being issued to
them if required by the Company so to do execute all such
assurances to the Company as the Company may reasonably
require releasing the Company from all claims of the Alverstone
Trustees or any persons claiming under them in respect of the
payment by the Company of any rents reserved by the deed of
grant and releasing the Company from any arrears of rents which
may then be due up to the first day of January one thousand
nine hundred and twenty-eight.

2. The Alverstone Trustees shall sell and the Company
shall purchase for the price or consideration of five hundred
pounds all the rights and interests of the Alverstone Trustees
in the waterworks described in Part I of the schedule hereto
and in the lands upon which such waterworks are situate and
in the waterworks described in Part II of the said schedule and
in any mains pipes or other works now being used or enjoyed
by the Company and being in or under any public highway
in the parishes of Wroxall Newchurch or Brading in the
rural district of the Isle of Wight or in the urban district of
Sandown.

A.D. 1927.

The said consideration shall if the Company shall so desire be satisfied by the issue by the Company to the Alverstone Trustees of ordinary or preference or debenture stock of the Company of the nominal value of five hundred pounds.

3. The Alverstone Trustees hereby undertake if required by the Company within a period of three months from the passing of the intended Act to execute an assignment to the Company of a lease dated the first day of July one thousand eight hundred and seventy-two and made between Francis White Popham of the one part and Richard Everard Webster of the other part.

4. The Company shall be at liberty if they think fit so to do to seek provision in the said Bill to be promoted by them as aforesaid whereby the rights and interests of the Alverstone Trustees in the said waterworks described in Part I of the said schedule hereto and in the said lands or part thereof upon which the same are situate and in the said waterworks described in Part II of the said schedule shall be vested in the Company and provision whereby the Company shall be released from all such arrears of such rents as aforesaid and to free the Company from any obligation to pay any rents reserved by the deed of grant.

The Alverstone Trustees shall deliver to the Company an abstract of the title of the rights and interests of the Alverstone Trustees to the said waterworks and lands but the Company shall accept the title of the Alverstone Trustees thereto.

5. The transfer to the Company of the said rights and interests of the Alverstone Trustees in the said waterworks and lands shall be by deed duly stamped and the purchase shall be completed unless otherwise agreed between the parties hereto on the first day of January one thousand nine hundred and twenty-eight.

6. If any question shall arise with reference to this agreement or as to the rights and liabilities of either party hereto the same shall be referred to an arbitrator to be agreed upon between the parties hereto or failing agreement nominated on the application of either of such parties by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference.

7. This agreement is conditional upon an Act of Parliament authorising and requiring the Company to create and issue to the Alverstone Trustees such ordinary stock as aforesaid receiving the Royal Assent in the session one thousand nine hundred and twenty-seven or in the session one thousand nine hundred and twenty-eight or within such extended time as may be agreed upon between the parties hereto and is subject to such alterations

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. as Parliament may think fit to make therein but if any material alteration be so made it shall be competent to any party hereto on giving notice to the others of them to withdraw from this agreement and thereupon this agreement shall be null and void.

In witness whereof the said Alfred Shaw Mellor Hugh Calthorp Webster and Dora Marion Shaw Mellor have hereunto set their hands and the Company has caused its common seal to be hereunto affixed the day and year first above written.

SCHEDULE.

PART I.

1. A service reservoir or collecting chamber known as Apse Reach Reservoir situate in the said parish of Wroxall on a plot of land 1,008 square yards or thereabouts in extent forming part of the enclosure numbered in the said parish 60 on the $\frac{1}{2500}$ Ordnance map of Hampshire (Isle of Wight sheet XCVIII-8 edition of 1908).

2. A service reservoir or collecting chamber known as Bower Copse Reservoir situate in the said parish of Newchurch on a plot of land 250 square yards or thereabouts in extent forming part of the enclosure numbered in the said parish 226 on the said Ordnance map (sheet XCVI-13).

PART II.

3. Adits pipes works and apparatus in connection with the said Apse Reach Reservoir situate in the said parish of Wroxall in the enclosures numbered in the said parish 57 58 59 60 and 87 on the said Ordnance map (sheet XCVIII-8).

4. A line of pipes commencing in the said parish of Wroxall in the said Apse Reach Reservoir passing through the enclosures numbered in the said parish 60 55 7 9 and 10 and the enclosure numbered in the said parish of Newchurch 520 on the said Ordnance map (sheet XCVIII-8) and the enclosures numbered in the said parish of Brading 727 729 732 and 707 on the said Ordnance map (sheet XCVI-9) and terminating in the said parish of Brading in the Brading Down Reservoir of the Company.

5. A line of pipes commencing in the urban district of Sandown at the pumping station of the Company in the enclosure numbered in the said urban district 119 on the said Ordnance map (sheet XCVI-13) and terminating in the said parish of Brading in the said Brading Down Reservoir.

A.D. 1927.

6. A line of pipes in the said parish of Newchurch 150 yards or thereabouts in length commencing in the said Bower Copse Reservoir passing through the enclosures numbered in the said parish 226 229 225 230 and 249 on the said Ordnance map (sheet XCVI-13) and terminating by a junction with the line of pipes fourthly hereinbefore described.

7. A line of pipes commencing in the said parish of Newchurch in the said Bower Copse Reservoir passing through the enclosures numbered in the said parish 226 229 225 230 and 249 on the said Ordnance map (sheet XCVI-13) and terminating in the said parish of Brading at Alverstone Farm in the enclosure numbered in the last-mentioned parish 733 on the said Ordnance map (sheet XCVI-9).

8. A line of pipes in the said parish of Brading commencing by a junction with the said line of pipes next hereinbefore described at a point in the road near the school at Alverstone and terminating at Chiddles Farm in the enclosure numbered in the said parish 712 on the said Ordnance map (sheet XCVI-9).

9. A line of pipes in the said parish of Newchurch commencing by a junction with the said line of pipes fourthly hereinbefore described at the point of junction at Apse Heath of Alverstone Road with the main road from Newport to Sandown and terminating at a point in the said main road 600 yards or thereabouts eastward of the said point of junction.

10. A collecting chamber in the said parish of Newchurch in the enclosure numbered in the said parish 347 on the said Ordnance map (sheet No. XCV-16).

11. A collecting chamber in the said parish of Newchurch in the enclosure numbered in the said parish 301 on the said Ordnance map (sheet XCV-16).

12. A collecting chamber in the said parish of Newchurch in the enclosure numbered in the said parish 304 on the said Ordnance map (sheet XCV-16).

13. A line of pipes connecting the said three collecting chambers lastly hereinbefore described commencing in the said parish of Newchurch in the enclosure numbered in the said parish 363 on the said Ordnance map (sheet XCVIII-4) passing through the enclosures numbered in the said parish 363 347 328 327 326 300 299 301 303 304 273 267 261 258 and 198 on the said Ordnance map (sheet XCV-16) and 198 193 188 and 186 on the said Ordnance map (sheet XCVI-9) and in the said parish of Brading 722 723 729 732 736 and 764A on the

[Ch. lxxv.] *Isle of Wight Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. — said Ordnance map (sheet XCVI-9) and 764A 764 129 125 and 127 on the said Ordnance map (sheet XCVI-13) and terminating at the said pumping station of the Company.

Signed by the said ALFRED SHAW }
MELLOR in the presence of } ALFRED SHAW MELLOR.

A. M. TAYLOR
Cleveland Hotel
58 Pulteney Street
Bath
Trained Nurse.

Signed by the said HUGH }
CALTHORP WEBSTER in the } HUGH C. WEBSTER.
presence of }

L. M. DAVIES
31 Beaconsfield Road
St. Albans
Private Secretary.

Signed by the said DORA MARION }
SHAW MELLOR in the presence of } DORA M. SHAW MELLOR.

A. M. TAYLOR
Cleveland Hotel
58 Pulteney Street
Bath
Trained Nurse.

The common seal of the Isle of }
Wight Waterworks Company }
was hereunto affixed in the }
presence of }



EDMUND G. BURTON }
ARTHUR DOUGLAS } Directors.
ARTHUR ORCHARD }
Secretary.

THE SECOND SCHEDULE.

FORM OF DEED OF TRANSFER OF WATERWORKS LANDS
AND RIGHTS.

This Deed is made the _____ day of _____ one
thousand nine hundred and twenty _____ between ALFRED SHAW
MELLOR of Box House Box in the county of Wilts Gentleman

and HUGH CALTHORP WEBSTER of Lea House Harpenden in the county of Hertford chartered surveyor (hereinafter called "the Vendors") of the first part the Honourable DORA MARION SHAW MELLOR the wife of the said Alfred Shaw Mellor of the second part and THE ISLE OF WIGHT WATERWORKS COMPANY (hereinafter called "the Company") of the third part Now this deed witnesseth that pursuant and subject to the provisions of the Isle of Wight Water Act 1927 and in consideration of the sum of five hundred pounds paid by the Company to the Vendors (or of the issue by the Company to the Vendors of stock of the Company of the nominal value of five hundred pounds) (the receipt whereof the Vendors hereby acknowledge) the Vendors with the privity and consent of the said Dora Marion Shaw Mellor testified by her being a party to and executing these presents hereby grant to the Company All the rights and interests of the Vendors in the waterworks described in Part I of the schedule hereto and in the lands upon which such waterworks are situate and in the waterworks described in Part II of the said schedule and in any mains pipes or other works now being used or enjoyed by the Company in or under any public highway in the parishes of Wroxall Newchurch or Brading in the rural district of the Isle of Wight or in the urban district of Sandown To hold the same unto the Company their successors and assigns And the Company do hereby accept the same accordingly.

A.D. 1927.
—

In witness whereof the Company have caused their common seal to be hereunto affixed and the Vendors and the said Dora Marion Shaw Mellor have hereunto set their hands and seals the day and year first above-written.

SCHEDULE.

The waterworks and lands described in the schedule to the scheduled agreement.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller,

