

**CHAPTER lxxiv.**

An Act to provide for the transfer of the under-  
taking of the Isle of Wight Waterworks Company  
to the urban district council of Sandown to  
authorise that Council to supply water in and  
in the neighbourhood of their district to provide  
for the transfer of parts of the said undertaking  
when acquired by the said Council to the  
Shanklin Urban District Council and the Isle  
of Wight Rural District Council and for other  
purposes. A.D. 1928.

[3rd August 1928.]

**W**HEREAS 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 by that Act and the  
Isle of Wight Water Act 1927 (hereinafter called "the  
Act of 1927") were authorised to construct waterworks  
and to supply water within the limits for the supply of  
water set forth in the Act of 1861 and the company are  
supplying water in the urban district of Sandown and  
in parts of the urban district of Shanklin and the rural  
district of the Isle of Wight :

And whereas the urban district of Sandown in the  
administrative county of the Isle of Wight within the  
said limits is under the management and local government  
of the Sandown Urban District Council (hereinafter  
called "the Council") :

[Price 1s. 6d. Net.]

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— And whereas by section 71 of the Act of 1927 it was provided that if the Council should introduce in the then next session of Parliament a Bill for an Act to empower them to purchase the undertaking of the company and should bonâ fide promote the same the company should not oppose such Bill except in so far as they might deem necessary in order to secure the insertion therein of provisions in accordance with that section to protect their interests with respect to the sale and purchase provided for by that section :

And whereas it was further provided by the said section 71 of the Act of 1927 that if the Council should obtain such an Act authorising such purchase they should within six months after the passing of such Act purchase and the company should sell and transfer to the Council for the price or consideration of thirty-five thousand five hundred pounds the undertaking of the company as defined by the said section 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 :

And whereas it is expedient to empower the Council to purchase the undertaking of the company in accordance with the provisions hereinbefore recited and to make provision for carrying such purchase into effect and for enabling the Council to carry on the said undertaking as provided by this Act :

And whereas the Council have agreed with the Shanklin Urban District Council and the Isle of Wight Rural District Council that upon the transfer to the Council of the undertaking of the company the Council may sell and the Shanklin Urban District Council and the Isle of Wight Rural District Council may purchase the parts of the undertaking respectively defined in this Act on the terms set forth in this Act and it is expedient to authorise the sale and purchase of the said parts of the said undertaking as provided by this Act :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:— A.D. 1928.

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|---|------------|
| (a) For and in connection with the provision of additional filtration plant - | £<br>8,000 |
| (b) For the provision and laying of mains                                     | 7,000      |

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Sandown Urban District Council Act 1928. Short title.

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

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Supply of water.

Part IV.—Financial and miscellaneous.

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

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

(b) The Waterworks Clauses Act 1847 except:—

(i) 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;

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(ii) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(iii) Section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(c) The Waterworks Clauses Act 1863.

Interpreta-  
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 or referred to therein have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“The district” means the urban district of Sandown;

“The Council” means the urban district council of the district;

“The clerk” means the clerk of the Council;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district or until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the district the district fund and the general district rate of the district;

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

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

“The Act of 1927” means the Isle of Wight Water Act 1927;

“The undertaking of the company” includes 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 day 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 A.D. 1928.

(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 day 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;

“The water undertaking” means the water undertaking of the Council;

“The appointed day” means the twenty-ninth day of September nineteen hundred and twenty-eight;

“The day of transfer” means the day on which the payment by the Council to the company shall be made and the undertaking of the company shall be transferred to the Council under the provisions of the section of this Act of which the marginal note is “Transfer and vesting of undertaking of company to and in the Council”;

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

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The Shanklin Council” means the urban district council of Shanklin;

“The Isle of Wight Council” means the rural district council of the Isle of Wight;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government

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department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

## PART II.

### TRANSFER OF UNDERTAKING.

Sale and purchase of undertaking of company.

5.—(1) The company shall sell and the Council shall purchase as a going concern on the appointed day the undertaking of the company freed from any then existing debenture mortgage or other debts or similar liabilities of the company.

(2) The consideration for the sale and purchase shall be the payment by the Council to the company on the appointed day of the sum of thirty-five thousand five hundred pounds and the assumption by the Council of any obligations of the company under the Acts of Parliament relating to the company other than debenture mortgage or other debts or similar liabilities.

(3) If the said sum of thirty-five thousand five hundred pounds is not paid on the appointed day the Council shall pay to the company interest thereon at the rate of five pounds per centum per annum from the appointed day until the day of actual payment thereof.



6. On payment by the Council to the company of the said sum of thirty-five thousand five hundred pounds in accordance with the provisions of this Act the undertaking of the company shall by virtue of this Act and without further assurance or other authority become and shall thenceforth stand transferred to and be vested in and belong to the Council 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 and such transfer and vesting are referred to in this Act as "the transfer."

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Transfer and vesting of undertaking of company to and in the Council.

7. Until the day of transfer the company shall maintain and carry on their undertaking as heretofore in the ordinary course of business but the company shall not without the previous consent of the Council make or enter into any new contract agreement liability or other obligation in respect thereof which shall involve a capital expenditure of more than one hundred pounds.

Exercise of powers until transfer.

8. The Council before the day of transfer and thereafter the company their solicitors and agents shall be entitled to have access to and to take copies of all documents to be handed over or handed over to the Council so far as the same may be necessary for the purposes of enabling the Council or the company to execute any of the provisions of this Act and the Council shall also be entitled at any time and for the like purpose to have access to and to take copies of all documents to be retained by the company.

Inspection of books &c.

9. The receipt in writing of three directors of the company for any money paid to the company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof or from being answerable or accountable for the loss mis-application or non-application thereof. Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Receipt for purchase money.

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Evidence of  
transfer.

**10.** The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it can be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer.

Company to  
make up  
accounts.

**11.** The company shall at the cost of the Council as soon as possible after the appointed day make up the accounts of the undertaking of the company for the period from the thirty-first day of March nineteen hundred and twenty-seven to the appointed day as near as may be in the usual form and have the same audited by the auditors of the company and shall deliver copies of such accounts to the Council. Such accounts when so audited shall be accepted by the company and the Council as evidence of all matters of account stated therein.

Actions &c.  
not to abate  
and penal-  
ties to be  
recoverable.

**12.—(1)** No action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to any property right privilege debt liability or obligation transferred to the Council shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the Council in the same manner in all respects as the same would have continued and taken effect in relation to the company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any enactments of the company previously to the day of transfer may be sued for and all offences committed against such provisions previously to the day of transfer may be prosecuted by the Council in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the day of transfer may be sued for and recovered by the Council in the same manner in all respects as the same might have been sued for and recovered by the company if this Act had not been passed.

**(2)** This section shall not apply to any proceedings relating to the amount due to the stockholders of the



company in respect of their several holdings of stock in the company. A.D. 1928.

**13.** All agreements contracts deeds and other instruments affecting the company and in force at the day of transfer shall after that day be as binding and of as full force and effect against or in favour of the Council and may be continued or enforced as fully and effectually as if instead of the company the Council had been a party thereto. Contracts &c. to be binding on Council.

**14.** All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Council. Books &c. to remain evidence.

**15.—(1)** From and after the day of transfer all obligations of the company with reference to the supply of water shall cease and determine and from and after the day of transfer the company shall continue to exist only for the purpose of receiving and recovering the sums payable to the company under this Act and distributing or otherwise applying the same and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company. The directors of the company who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a stockholder or stockholders of the company to fill the vacancy or vacancies so caused. Company to wind up affairs.

(2) As soon as may be practicable after the day of transfer the directors of the company shall proceed to wind up the affairs of the company and shall distribute the net moneys of the company after defraying the expenses of winding up the company and any outgoings incidental thereto to and amongst the stockholders of the company and for that purpose the several persons whose names shall appear in the books of the company at the

A.D. 1928. — day of transfer to be the proprietors of stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be stockholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof.

(3) Where the directors of the company are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same the directors may pay the said money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may pay the same into the county court of Hampshire holden at Newport and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to such money Upon the provisions of this section being carried into effect the company shall ipso facto be dissolved.

### PART III.

#### SUPPLY OF WATER.

Application  
of com-  
pany's Acts  
to Council.

**16.**—(1) On and from the day of transfer all the powers rights privileges authorities duties and obligations of the company under the provisions of the Act of 1861 and the Act of 1927 set forth in the schedule to this Act shall be by virtue of this Act transferred to vested in and imposed on the Council and the Council may continue and maintain the works constructed by the Company and the said provisions shall be read and have effect as if the Council had been therein named instead of the company except in clause 2 of the agreement contained in the First Schedule to the Act of 1927 which shall only be so read and have such effect when the company shall have purchased the rights and interests of the Alverstone Trustees referred to in the said clause and shall have paid to the said trustees the sum of five hundred pounds mentioned in the said clause.

(2) On and from the day of transfer so much of the Act of 1861 and of the Act of 1927 as are not set forth in

the schedule to this Act shall be repealed except so far as may be necessary to give effect to the section of this Act of which the marginal note is "Company to wind up affairs." A.D. 1928.

17. The limits within which the Council may supply water under the powers of this Act are the district so much of the urban district of Shanklin as was not on the nineteenth day of November nineteen hundred and twenty-seven supplied with water by the Shanklin Urban District Council and the parishes of Newchurch and Brading in the rural district of the Isle of Wight in the administrative county of the Isle of Wight. Limits of supply.

18. The Council 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 Council to abstract water.

19. Immediately after the day of transfer the Council shall take steps to provide for the effectual filtration of the water abstracted by the Council from the river Yar and (unless the land under which the Council's drains for collecting water at Dyer's Farm are laid is acquired by the Council) at Dyer's Farm for use for domestic purposes and after the expiration of eighteen months from the day of transfer no water taken from the river Yar or from the source at Dyer's Farm shall be supplied by the Council for domestic use unless and until satisfactory provision shall have been made for effectually filtering or otherwise purifying the same so as to enable the Council to comply with the provisions of section 35 of the Waterworks Clauses Act 1847 as to the supply of pure and wholesome water for domestic use. As to filtration of water.

20. The Council shall have and may exercise within the water limits the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district: Further powers in relation to water mains.

Provided that the Council shall not exercise such powers through across or under any lands or property belonging to a railway company and used for the purposes

A.D. 1928. — of their undertaking without the consent of such company but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of such company or the Council.

Reservation  
of water  
rights &c.

**21.** The Council on selling any lands held by them for the purposes of their water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Temporary  
discharge of  
water into  
streams.

**22.**—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Council the Council may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Council may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto.

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

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company.

Application  
of Water-  
works  
Clauses Act  
1847 to dis-  
charge pipes

**23.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply within the water limits to the construction laying down erection and maintenance in any streets or roads of any discharge pipes

telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down within the water limits for the purposes of their water undertaking: A.D. 1928.  
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telephones  
&c.

Provided that the Council shall not without the previous consent of a railway company exercise the powers of this section in respect of any street or road which is the property of or maintained by such railway company.

**24.** Any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Council under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. For protec-  
tion of Post-  
master-  
General.

**25.** The Council may on the application of the owner or occupier of any premises within any part of the water limits outside the district abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act. Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company. Power to lay  
pipes in  
private  
streets.

**26.—(1)** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council 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 break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus. Meters in  
streets to  
measure  
water or  
detect  
waste.

(2) Provided that the Council shall not interfere with any telegraphic line (as defined by the Telegraph



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A.D. 1928. — Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(3) Provided also that the Council shall not without the previous consent of a railway company exercise the powers of this section in respect to any street road land footway court or passage which is the property of or maintained by such railway company but such consent shall not be unreasonably withheld. Any question whether or not such consent has been unreasonably withheld shall be referred to and determined by a single arbitrator to be agreed upon between the Council and such railway company or failing agreement to be appointed on the application of either party after notice in writing to the other 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 determination.

Pressure.

**27.** The water to be supplied by the Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir from which the supply shall be taken.

Power to person liable to maintain pipes &c. to open ground.

**28.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have a like power to open the ground to that conferred upon him by and be 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 Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or other pipe or apparatus and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to sell meters.

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

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

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Power to  
supply  
water  
fittings.

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

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid 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 premises at all times continue to be the property of and removable by the Council. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows:—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings

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or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

- (c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Penalty for interfering with sluices &c.

**31.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Purchase of part of undertaking by Shanklin Council.

**32.** So soon as the undertaking of the company shall have been transferred to and vested in the Council the Council may sell and the Shanklin Council may purchase so much of the said undertaking as is situate in the urban district of Shanklin on the Shanklin Council paying to the Council such proportion of the cost of the said undertaking including the costs of opposing the Bill for the Act of 1927 and the costs of this Act as Arthur Collins of 20 Abingdon Street in the city of Westminster (or such other person as the said councils may agree shall act as arbitrator between them on the matter) shall determine to be fair and reasonable.

Purchase of part of water undertaking by Isle of Wight Council.

**33.—**(1) So soon as the undertaking of the company shall have been transferred to and vested in the Council the Council may sell and the Isle of Wight Council may purchase the parts of the said undertaking in this section set forth on payment by the Isle of Wight Council to the Council as the purchase price of the said parts of the said undertaking of the sum of two thousand five hundred pounds.

(2) The parts of the undertaking referred to in subsection (1) of this section are the following :— A.D. 1928.

- (i) The reservoir in the north-east corner of Wroxall Parish with access thereto and the adits leading thereto with all the rights acquired by the company of searching for and taking and collecting water by means of the said works ;
- (ii) The five-inch supply main therefrom to Apse Heath ;
- (iii) The four-inch supply main from Apse Heath to Queen Bower reservoir ;
- (iv) The Queen Bower reservoir with access thereto and all rights acquired by the company of searching for and taking and collecting water by means of such reservoir and any works connected therewith ;
- (v) The three-inch main therefrom to Alverstone ;
- (vi) The four-inch main from Queen Bower reservoir to Brading Down reservoir ;
- (vii) (a) All distributing and service mains supplied from the above-mentioned works meters in connection therewith and apparatus and works incidental thereto together with all lands buildings estate rights interests easements privileges agreements contracts and securities transferred from the company to the Council within the parish of Newchurch and the parts of the parish of Brading in this section described in the rural district of the Isle of Wight in the administrative county of the Isle of Wight and all rights powers obligations and privileges of the company transferred to the Council with regard to the supply of water in the said parish of Newchurch and parts of the parish of Brading ;  
(b) The parts of the parish of Brading referred to in this section are—

First So much of the parish as is included within the following line :—

A line commencing at a point on the boundary between the parishes of Brading and Newchurch at the south-westerly corner of the field numbered 287 on the  $\frac{1}{2500}$  Ordnance map of the parish of Brading (edition

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of 1908 Hampshire [Isle of Wight] sheet No. XCVI. 9) thence proceeding in an easterly direction along the southerly boundary of the said field to the westerly boundary of the enclosure numbered 668 on the said map thence in a northerly direction along the westerly boundary of the last-mentioned enclosure thence along the north-easterly boundary of the said enclosure and the enclosure numbered 667 on the said map to the north-westerly corner of Six Acre Copse thence along the north-easterly boundary of Six Acre Copse to the westerly corner of the field numbered 663 on the said Ordnance map thence along the north-westerly boundary of the said field numbered 663 thence along the north-easterly boundary of the said field numbered 663 to its north-easterly corner thence in a northerly direction along the westerly boundary of the field numbered 661 on the said map thence along the northerly boundary of the said field numbered 661 and the field numbered 660 on the said map thence along the easterly boundary of the said field numbered 660 in a southerly direction and along the easterly boundary of Rowdown Copse to the north-westerly corner of the field numbered 692 on the said map thence along the northerly and easterly boundaries of the said field numbered 692 thence in an easterly direction along the northerly boundary of the field numbered 651 on the said map thence in a southerly direction along the easterly boundary of the said field numbered 651 to the south-westerly corner of the field numbered 652 on the said map thence in a due southerly direction across the said field numbered 651 and across the road leading from Grove Farm to Alverstone Farm to and along the easterly boundary of the enclosure numbered 693 on the said map thence in a westerly direction along the northerly boundary of the field



numbered 649 on the said map to the north-westerly corner thereof thence along the westerly boundary thereof to the north-easterly corner of the field numbered 697 on the said map thence in a westerly direction along the northerly boundary of the said field numbered 697 to the north-westerly corner thereof thence in a southerly direction along the westerly boundary thereof to the north-easterly corner of the field numbered 749 on the said map thence in a westerly direction along the northerly and westerly boundaries of the said field numbered 749 to the north-easterly corner of the enclosure numbered 748 on the said map thence in a westerly direction along the northerly boundary of the said enclosure numbered 748 to the south-easterly boundary of the field numbered 747 on the said map thence along such south-easterly boundary and the south-easterly boundary of the enclosure numbered 747a on the said map thence across the road from Bragg's Hill to Alverstone and along the south-easterly boundary of the enclosures numbered 742 740 and 736 on the said map to and across the river Yar thence along the westerly bank of the river Yar to the junction of Scotchell's Brook with the said river thence along the westerly bank of Scotchell's Brook to the south-easterly corner of the enclosure numbered 798 on the said map sheet XCVI. 13 thence along the southerly boundary of the said enclosure and along the watercourse leading into Scotchell's Brook thence in a south-westerly direction along the last-named watercourse to the south-east corner of the enclosure numbered 824 on the said map thence in a south-westerly direction along the southerly boundaries of the enclosures numbered 824 822 and 821 on the said map thence across the road leading from Upper Borthwood to the Bible Christian Chapel to

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the easterly boundary of the enclosure numbered 833 on the said map thence in a northerly direction along the said easterly boundary of the said enclosure numbered 833 and along the northerly boundary of the said enclosure to the point where it meets the boundary between the parishes of Brading and Newchurch;

Secondly So much of the parish as is included within the following line :—

A line commencing on the boundary between the parishes of Brading and Newchurch at the north-westerly corner of the enclosure numbered 852 on the  $\frac{1}{2500}$  Ordnance map of the parish of Brading (edition of 1908 Hampshire [Isle of Wight] sheet No. XCIX. 1) thence proceeding in an easterly direction along the northerly boundaries of the enclosures numbered 852 854 855 and 858 on the said Ordnance map thence along the north-westerly boundary of the enclosure numbered 860 on the said map thence along the north-easterly boundary of the said enclosure to a point due west of the northerly corner of the enclosure numbered 861a on the said map thence in an imaginary line drawn due east from that point to the said corner thence along the north-easterly boundary of the said enclosure numbered 861a thence in an imaginary line drawn due east to the northerly bank of Scotchell's Brook thence in a south-westerly and westerly direction along the northerly bank of Scotchell's Brook to the junction of the watercourse flowing through Barton's Withybed with Scotchell's Brook thence in a westerly direction along such watercourse to its junction with the said boundary between the parishes of Brading and Newchurch.

(3) The Isle of Wight Council shall also have the right to supply water for any purposes from all or any of the works transferred to them under the powers of

this section to any part of the Isle of Wight Rural District except the part of the said parish of Brading not described in this section. A.D. 1928.  
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(4) Notwithstanding the purchase of the said parts of the said undertaking by the Isle of Wight Council the Council shall have in the part of the Isle of Wight Rural District excluded from the water limits in pursuance of the provisions of this section all the powers conferred upon them by this Act and the Acts incorporated therewith with regard to the laying enlarging maintaining and renewing of water mains pipes and apparatus for the purpose of laying such additional mains and apparatus as may be necessary from time to time for giving a supply of water to any part of the said rural district remaining within the water limits.

**34.** The Council may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits to such authority company or person 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 :

Contracts for supplying water in bulk outside water limits.

Provided that—

- (1) Such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits ;
- (2) Nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the water limits.

#### PART IV.

##### FINANCIAL AND MISCELLANEOUS.

**35.**—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes

Power to borrow.

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mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period of Repayment.
(a) For the purchase of the undertaking of the company.	£ 35,500	Forty-five years from the date of borrowing.
(b) For defraying the costs and expenses incident to such purchase and to the transfer of the said undertaking to the Council (other than the costs of this Act) and for the payment of any other sums payable by the Council in connection with the said transfer.	The sum requisite	Forty-five years from the date or dates of borrowing.
(c) For and in connection with the provision of additional filtration plant.	8,000	Thirty years from the date or dates of borrowing.
(d) For the provision and laying of mains.	7,000	Forty years from the date or dates of borrowing.
(e) For the payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Council may also borrow with the consent of the Minister of Health such further moneys as may be necessary for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of this Act.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

**36.** In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

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Certain provisions of Public Health Acts not to apply.

**37.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Mode of raising money.

**38.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

**39.** The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Mode of payment off of money borrowed.

**40.**—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or any other statutory borrowing power such fund shall be formed and maintained either:—

Sinking fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed



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A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be

derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the said Minister that any such increase is necessary the Council shall increase the payments to such extent as the said Minister may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the said Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the said Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the said Minister be sufficient to repay within the prescribed period the moneys for the repayment of

A.D. 1928. — which the sinking fund is formed the Council may with the consent of the said Minister discontinue the annual payments to such sinking fund until the said Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the said Minister may determine.

(12) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof may be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

41. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation accident or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

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(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

42.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to that Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

Return to  
Minister of  
Health with  
respect to  
repayment  
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the said Minister may require and shall if so required by him be verified by statutory declaration of the clerk and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the said Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the said Minister out of the High Court.

(3) If it appears to the said Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to

A.D. 1928. — the statutory borrowing power or by the said Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the said Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the said Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the said Minister out of the High Court.

(4) Any provision of any enactment now in force in the district requiring an annual return to be made to the said Minister with regard to the repayment of debt is hereby repealed.

Power to  
re-borrow.

**43.**—(1) The Council shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.



(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1928.  
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- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

44. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council. The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund. Investment of and payments into sinking fund.

45. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Council under those Acts. As to section 234 of Public Health Act 1875.

46. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of moneys borrowed.

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Expenses of  
execution  
of Act.

47. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the general rate fund.

Accounts.

48.—(1) The Council shall notwithstanding the provisions of any Act or Order to the contrary keep the accounts of the water undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts (including the interest on any reserve fund authorised in connection therewith) in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve fund."

(2) The Council shall show in their accounts all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

Reserve  
fund.

49.—(1) The Council may (if they think fit) provide a reserve fund in respect of the water undertaking by setting aside and investing such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the section of this Act of which the marginal note is "Use of moneys."

forming part of sinking and other funds” in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council. A.D. 1928;  
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(2) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

**50.**—(1) All money received by the Council on account of the revenue of the water undertaking shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund. Application of revenue and payment of expenses of water undertaking.

(2) Any moneys which the Council are required or authorised to pay or apply or may in the future be required or authorised to pay or apply under subsection (3) of this section shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the water undertaking.

(3) Any income arising from any renewals fund depreciation fund contingent fund reserve fund or insurance or other similar fund shall be from time to time paid into the general rate fund and any contributions due to any such fund as aforesaid shall be paid out of the general rate fund.

(4) The Council may (if they think fit) apply money received by them on account of the revenue of the water undertaking in the provision of a fund for working capital.

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Power to  
Shanklin  
Council and  
Isle of  
Wight  
Council to  
borrow.

**51.**—(1) The Shanklin Council and the Isle of Wight Council may from time to time independently of any other borrowing power borrow at interest the sums which they are to pay to the Council for the purchase of the parts of the undertaking of the company which they are authorised to purchase when it shall have been transferred to the Council and the Shanklin Council and the Isle of Wight Council shall pay off the moneys so borrowed within forty-five years of the date or dates of borrowing the same respectively.

(2) The provisions of the Public Health Act 1875 shall apply to the borrowing of the said moneys by the Shanklin Council and the Isle of Wight Council as if the said moneys had been borrowed with the sanction of the Minister of Health.

Water rents  
may be  
collected  
with general  
rate.

**52.**—(1) Any water rent or charge payable to the Council may be collected together with the general rate and the same books may be used for the said rents charges accounts and rates.

(2) The rate demand note and any other necessary documents to be used for the purposes of or in connection with the rate water rent or charge shall be in such form as the Minister of Health may from time to time prescribe.

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

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

Power to  
retain sell  
&c. lands.

**54.**—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of

works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1928.

(2) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

(3) The Council shall not unless the Minister of Health otherwise directs sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister of Health is necessary or has been obtained.

**55.** The Council shall apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

**56.** The Council may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the water undertaking Dwelling-houses for employees



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—  
and other  
buildings.

Inquiries by  
Minister of  
Health.

and the Council may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Council for those purposes.

**57.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the said Minister under the Public Health Act 1875.

(2) The Council shall pay to the said Minister any expenses incurred by the said Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the said Minister not exceeding five guineas a day for the services of such inspector.

Costs of  
Act.

**58.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the  
foregoing Act.

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SECTIONS OF THE COMPANY'S ACTS SAVED FROM REPEAL.

THE ISLE OF WIGHT WATERWORKS ACT 1861.

19. And whereas Plans and Sections of the intended Works of the Company, showing the Situation, Line and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same respectively are intended to be made or pass, or which are required for the Purposes of the Company, were in the Month of November, One thousand eight hundred and sixty deposited with the Clerk of the Peace for the County of Southampton: Therefore, subject to the Provisions and Restrictions in this Act and the incorporated Acts contained, it shall be lawful for the Company to make and maintain the said intended Works, together with all proper Mains, Conduits, Pipes, and other Conveniences connected therewith, in the Lines and Situations, and according to the Levels and upon the Lands delineated on those Plans and Sections, and described in such Book of Reference and to take, collect, and divert into the intended Reservoirs and Works the Waters of the Brooks or Streams known as Scotchell's Brook, Alverstone Brook, or Yar River, within the Parishes aforesaid, and all other Waters, Springs, and Streams in or under the Line of or adjacent to the intended Works, and to appropriate the same for the Purposes of such intended Works and supply of Water, and to enter upon, take and use such of the Lands aforesaid as the Company may deem necessary for the Purposes of this Act: Provided always, that nothing in this Act contained shall authorize the Company to make and maintain that Portion of the Works delineated on the said deposited Plans as commencing at or near Sandown Bridge and terminating at Low-water Mark in Sandown Bay.

Power to  
make Works  
according to  
deposited  
Plans.

20. In constructing the Waterworks the Company may deviate vertically from the Levels thereof as shown on the Sections to the following Extent; (that is to say) as to the Reservoirs hereinbefore authorized to be constructed to any Extent not exceeding Three Feet and as to all other Works to any Extent not exceeding Five Feet.

Limits of  
vertical  
Deviation.

21. The Powers of this Act for the compulsory Purchase of Land shall not be exercised after the Expiration of Three years from the passing of this Act.

Powers for the  
compulsory  
Purchases  
limited.

A.D. 1928.  
—  
Period with-  
in which  
Waterworks  
to be made.

22. The Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the incorporated Acts granted to the Company for the Construction of those Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed: Provided always that nothing in this Act contained shall extend or be construed to extend to restrain the Company from enlarging and extending their Mains, Pipes, and Works from time to time whenever it shall be necessary for the purposes of supplying water within the limits of this Act.

Land for  
extraordin-  
ary purposes.

23. The Company may from time to time, by Agreement, purchase or take for the purposes of this Act any Buildings and Lands not exceeding in quantity One acre, in addition to the land which they are by this Act authorized to take by Compulsion.

Mains not to  
be extended  
into Parish  
of Shanklin  
without  
consent of  
F. W. Pop-  
ham, Esq.

49. Notwithstanding anything herein contained, it shall not be lawful for the Company to lay or extend their Mains into the Parish of Shanklin beyond the Field in the said Parish adjoining the Property of Francis Henry Atherley on the South-east Side of the Turnpike Road from Lake to Shanklin, or to construct any Works in any other Part of the said Parish, without the Consent in Writing of Frank White Popham, Esquire, his Heirs or Assigns.

Saving rights  
of Com-  
missioners of  
Sewers.

50. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by the Commissioners of Sewers of the Sandham Pevel, or in or by any other lawful Commissioners of Sewers appointed under the Great Seal.

#### THE ISLE OF WIGHT WATER ACT 1927.

Interpreta-  
tion.

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

“The 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;

\* \* \*

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.

A.D. 1928.  
—  
Confirmation  
of scheduled  
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.

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.

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 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.

Acquisition  
of lands by  
agreement.

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.

Power to  
hold lands  
for protec-  
tion of  
waterworks.

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) :—

Rates for  
supply of  
water for  
domestic  
purposes.

(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

A.D. 1928.

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 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.

Rate for  
supply by  
meter.

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

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons 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 : A.D. 1928.

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.

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. Charges for hose-pipes.

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. Rates payable by owners of small houses.

31.—(1) The Company shall not be bound to supply with water otherwise than by meter— Supply to houses partly used for trade &c.

- (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 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.

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*District Council Act, 1928.*

A.D. 1928.

(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."

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 Company to repair 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.

Company to connect communication pipes with mains.

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 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. A.D. 1928.

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 contributions shall be settled by the engineer of the Company. Maintenance of common pipe.

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. Penalty for closing valves and apparatus.

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. Byelaws for preventing waste &c. of water.

(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

A.D. 1928. 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.

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. 1928.

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.

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. Purchase of water in bulk.

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. Guarantees by district councils.



A.D. 1928.

(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.

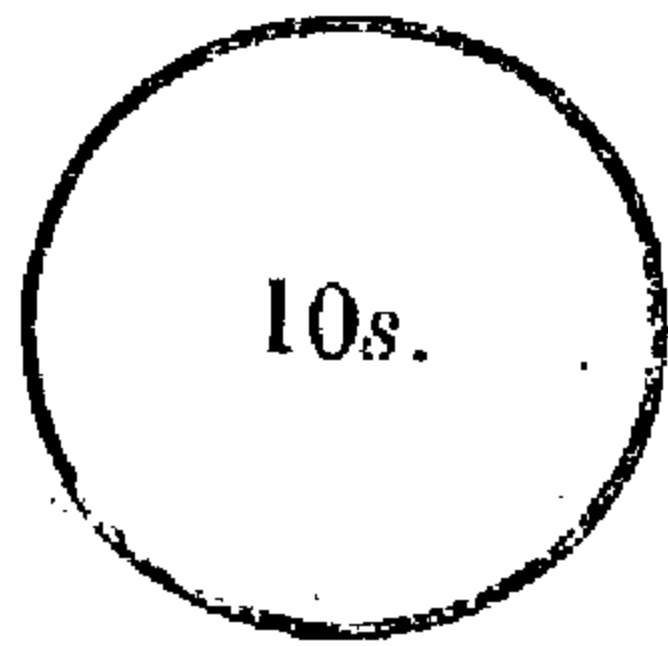
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THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

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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 : A.D. 1928.

\*                    \*                    \*

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

\*                    \*                    \*

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.

\*                    \*                    \*

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.

\*                    \*                    \*

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.

A.D. 1928.

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.

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).

A.D. 1928.

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 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 } ALFRED SHAW MELLOR,  
of

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.

[Ch. lxxiv.] *Sandown Urban* [18 & 19 GEO. 5.]  
*District Council Act, 1928.*

A.D. 1928. Signed by the said DORA }  
MARION SHAW MELLOR in } DORA M. SHAW MELLOR.  
the presence of }

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.

\* \* \*

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