



CHAPTER xxxiv.

An Act to enable the Windermere District Gas and Water A.D. 1912.
Company to raise additional capital to construct new
waterworks and for other purposes. [7th August 1912.]

WHEREAS by the Windermere District Gas Act 1862 (in this Act called "the Act of 1862") the Windermere District Gas Company (in this Act called "the Company") were incorporated and authorised to make gasworks and supply gas within the limits therein described:

And whereas by the Windermere District Waterworks Act 1869 (in this Act called "the Act of 1869") the name of the Company was changed to "The Windermere District Gas and Water Company" and the Company were authorised to make waterworks and supply water within the same limits within which they were authorised to supply gas and to raise capital for such purposes:

And whereas by the Windermere District Gas and Water Act 1889 (in this Act called "the Act of 1889") the Company were authorised to make further waterworks and to raise additional capital:

And whereas the share capital of the Company for the purposes of the waterworks authorised as aforesaid by the Act of 1869 (as amended by the Act of 1889) was seven thousand five hundred pounds in new ordinary shares of ten pounds each and seven thousand five hundred pounds in new ordinary or preference shares and by the Act of 1889 fifteen thousand pounds in new ordinary shares or stock or new preference shares of not less nominal value than ten pounds:

A.D. 1912.

And whereas in respect of each ordinary share of the nominal value of ten pounds the shareholders of the Company are entitled to one vote:

And whereas in addition to the share capital authorised to be raised as aforesaid the Company were authorised to borrow on mortgage of the water undertaking under the Act of 1869 the sum of three thousand six hundred pounds and under the Act of 1889 any sum or sums not exceeding in the whole one-fourth part of the additional capital by that Act authorised to be raised:

And whereas the whole of the capital authorised as aforesaid by the Act of 1869 has been raised by the issue of one thousand five hundred new ordinary shares of ten pounds each and of the capital authorised as aforesaid by the Act of 1889 (inclusive of the sum of thirty-seven pounds ten shillings paid by way of premium) one thousand five hundred and thirty-seven pounds ten shillings (part thereof) has been raised by the issue of one hundred and fifty-four per cent. new preference shares of ten pounds each and all the said shares are fully paid up:

And whereas the sum of three thousand six hundred pounds authorised by the Act of 1869 to be borrowed as aforesaid has under the provisions in that behalf of the Companies-Clauses Consolidation Act 1845 been raised by the issue of one thousand eight hundred shares of two pounds each instead of borrowing:

And whereas the Company have not borrowed in connection with and do not owe any money on mortgage of the water undertaking and have not created or issued any debenture stock:

And whereas the demand for the supply of water within the limits of the Company is increasing and it is expedient that the Company be authorised to make additional waterworks:

And whereas it is expedient that powers to raise additional capital and further powers with respect to borrowing should be conferred upon the Company as in this Act provided:

And whereas it is expedient that the powers with respect to voting by the shareholders of the Company in respect of the capital of the Company raised for purposes of the waterworks undertaking should be further defined:

And whereas plans and sections showing the lines situations and levels of the waterworks authorised by this Act with books

of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Westmorland and are hereinafter respectively referred to as the deposited plans sections and books of reference: A.D. 1912.

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

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

1. This Act may be cited as the Windermere District Gas and Water Act 1912. Short title.

2. The Acts of 1862 1869 and 1889 and this Act may be cited together as the Windermere District Gas and Water Acts 1862 1869 1889 and 1912. Citation of Acts.

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

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

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

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

[Ch. xxxiv.] *Windermere District Gas and* [2 & 3 GEO. 5.]
Water Act, 1912.

A.D. 1912.

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

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

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

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but in the application of these provisions to this Act the expression "railway" shall mean the reservoir conduits roads and stream diversion and the expression "the centre of the railway" shall mean the centre of such reservoir conduits roads and stream diversion.

Interpretation.

4. In this Act—

The expressions "the Act of 1862" "the Act of 1869" "the Act of 1889" mean respectively the Windermere District Gas Act 1862 the Windermere District Waterworks Act 1869 the Windermere District Gas and Water Act 1889 ;

The expressions "the waterworks" and "the water undertaking" mean respectively the waterworks and works connected therewith and the undertaking so far as the same relates to waterworks by the Acts of 1869 and 1889 and this Act authorised ;

The expression "the gas undertaking" means the undertaking by the Act of 1862 authorised.

Power to Company to raise additional capital.

5. The Company may from time to time raise (in addition to the capital already authorised to be raised by them) additional capital for the water undertaking of the Company not exceeding in the whole seven thousand five hundred pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more

of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of seven thousand five hundred pounds. A.D. 1912.

6. Subject to the provisions of this Act the additional capital created by the Company under this Act shall be part of the waterworks capital of the Company and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if such additional capital were part of the now existing waterworks capital of the Company and the new shares or stock were shares or stock in that capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Privileges &c. of holders of additional capital.

7. Subject to the provisions of this Act every person who becomes entitled to any such new shares or stock shall in respect to the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount of such new shares or stock. Dividends on new shares or stock.

8. The profits of the Company to be divided among the holders of shares or stock in any one year in respect of the additional capital to be raised under the powers of this Act shall not exceed the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. Profits of Company limited.

9. In case in any year the funds of the Company applicable to dividend on the waterworks capital shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the waterworks capital of the Company a proportionate reduction shall be made in the dividend of each class. Dividends on different classes of shares or stock to be paid proportionately.

[Ch. xxxiv.] *Windermere District Gas and* [2 & 3 GEO. 5.]
Water Act, 1912.

A.D. 1912.

New shares
or stock to
be sold by
auction or
tender.

10.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(a) Notice of the intended sale shall be given in writing to the clerk to any district council whose district contains any part of the limits of supply of the Company and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary waterworks shares or ordinary waterworks stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and

to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively. A.D. 1912.

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

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

11. Subject to the provisions of the Act of 1889 and this Act as to new preference shares from and after the passing of this Act every holder of shares or stock in the waterworks capital of the Company shall be entitled at all meetings of the Company to one vote in respect of each complete amount of ten pounds of the nominal value of the said shares or stock held by him. Voting in respect of waterworks capital.

12.—(1) The Company for the purposes of the Act of 1869 the Act of 1889 or this Act may borrow on mortgage of the water undertaking any sum or sums not exceeding in the whole one-third part of the amount of the capital of the Company which at the time of borrowing has been created issued or raised by the Company under the powers or in pursuance of the provisions of the said Acts or of the Acts incorporated therewith or of any of such Acts. But no sum shall be borrowed in respect of any capital so created or raised (other than the capital created and raised at the passing of this Act as in this Act recited) until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Power to borrow.

[Ch. xxxiv.] *Windermere District Gas and* [2 & 3 GEO. 5.]
Water Act, 1912.

A.D. 1912. Clauses Consolidation Act 1845 that the whole of the shares at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

(2) Section 20 (Power to borrow in respect of additional capital) of the Act of 1889 so far as the Company are thereby authorised to borrow on mortgage of the water undertaking of the Company is hereby repealed.

Appoint-
ment of re-
ceiver.

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

Debenture
stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act and charged upon the water undertaking shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of
mortgages
over other
debts.

15. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

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

A.D. 1912.
Receipt in case of persons not sui juris.

17. All money raised under this Act including any premium shall be applied for the purposes of this Act to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend. Provided that in any case where a power to raise money by borrowing is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purposes be reckoned as part of the paid-up capital.

Application of money and as to any premiums.

18. The Company may apply for the purposes of the water undertaking to which capital is properly applicable any money which they have raised or are authorised to raise under the Acts of 1869 or 1889 which money is not made applicable for any particular purpose or if so made applicable is not required for that purpose.

Application of capital authorised by Acts of 1869 or 1889.

19. Subject to the provisions of this Act and for the purposes of the waterworks the Company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to acquire lands.

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

Period for compulsory purchase of lands.

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

Persons under disability may grant easements &c.

A.D. 1912.

Contents of
warrant.

Byelaws for
preventing
waste &c. of
water.

22. Where the payment of more than one sum by any person is due under this Act or under any of the Acts relating to the Company any summons or warrant issued for the purposes of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

23.—(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 soil-pans waterclosets baths cisterns and other apparatus (all of which are in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

(3) 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.

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

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

such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable. A.D. 1912.

Provided that the Company may until any byelaws under this section shall have been made and confirmed as in this section provided enforce any regulations made under section 50 of the Act of 1869 and which at the date of the passing of this Act were in force.

24.—(1) The Company may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. Power to supply gas fittings &c.

(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 process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

25. Notwithstanding anything in this or any other Act relating to the gas undertaking of the Company the Company shall not purchase or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant or buildings or for the maintenance or repair of gas fittings. Restriction on powers of manufacture.

26. The following sections of the Act of 1862 and of the Act of 1869 are (subject to the provisions of this Act) hereby repealed but without prejudice to anything done or suffered to be done thereunder respectively (namely):— Repeal of certain provisions of Acts of 1862 and 1869.

The Act of 1862—

Section 23 (Consumers may be required to consume gas by meter);

Section 24 (Penalty for tampering with meters);

[Ch. xxxiv.] *Windermere District Gas and Water Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912.

- Section 25 (Company may remove pipes from unoccupied premises on giving notice to owner);
Section 26 (Penalties not cumulative);
Section 29 (As to testing the quality of the gas);
Section 31 (Sums undisputed may be recovered by distress);
Section 32 (Contents of warrants);
Section 33 (Warrants shall include costs);
Section 34 (Recovery of sums due to the Company);
Section 35 (Liability to gas rate not to disqualify justices);
Section 36 (Rent for gas and fittings under twenty pounds):

The Act of 1869—

- Section 47 (Company not bound to supply water unless apparatus approved by them);
Section 48 (Company may require pipes &c. to be repaired);
Section 50 (Power to make regulations to prevent waste of water);
Section 51 (Power for company to remove water-pipes from unoccupied premises);
Section 55 (Contents of warrant);
Section 56 (Warrants shall include costs);
Section 57 (Recovery of sums due to the company).

Power to
make and
maintain
waterworks.

27. Subject to the provisions of this Act the Company may make and maintain in the situations and according to the lines and levels shown on the deposited plans and sections the works hereinafter described and other the works shown on the deposited plans All the said works will be situate in the parish of Windermere in the county of Westmorland and comprise—

Work No. 1 An impounding reservoir (to be called "Reservoir No. 3") to be formed by means of a dam or embankment across Dubbs Beck at a point thereon 134 yards or thereabouts above the point at which such beck enters the existing reservoir known as "Dubbs Reservoir" and to extend for a distance of 237 yards or thereabouts from the said dam or embankment measured in a northerly direction up Dubbs Beck The said dam or embankment to commence at a point near the western

side of Dubbs Road 110 yards or thereabouts measured in a southerly direction from the north-east corner of the enclosure numbered 156 on the $\frac{1}{2500}$ scale Ordnance map (second edition 1898) for the parish of Windermere (in this section and hereinafter called "the Ordnance map") and to terminate at a point 120 yards or thereabouts measured in a south-easterly direction from the north-west corner of the enclosure numbered 151 on the Ordnance map: A.D. 1912.

Work No. 2 A dam or embankment in part upon and in part in extension of the dam or embankment lastly hereinbefore described for the purpose of enlarging the area and depth of Reservoir No. 3 such dam or embankment to commence at a point near the western side of Dubbs Road 14 yards or thereabouts measured in a north-westerly direction from the south-east corner of the enclosure numbered 63 on the Ordnance map and to be continued for a distance of 110 yards or thereabouts parallel with Dubbs Road thence in a westerly direction for a distance of 230 yards or thereabouts and to terminate in the enclosure numbered 151 on the Ordnance map at a point 90 yards or thereabouts in a south-easterly direction from the north-west corner of the said enclosure numbered 151 and which reservoir when enlarged will extend for a distance of 287 yards or thereabouts from the said dam measured in a northerly direction up Dubbs Beck:

Work No. 3 A road (to be called "Road No. 1") to commence by a junction with Dubbs Road at the south-east corner of the enclosure numbered 156 on the Ordnance map and terminating at a point 130 yards or thereabouts measured in a southerly direction from the south-east corner of the enclosure numbered 150 on the Ordnance map:

Work No. 4 A conduit (to be called "Conduit No. 1") consisting of one or more lines of pipes to commence at or in Reservoir No. 3 by this Act authorised and terminating at its junction with the existing line of pipes in Dubbs Road at a point 27 yards or thereabouts measured in a southerly direction from the south-west corner of the enclosure numbered 158 on the Ordnance map:

A.D. 1912.

Work No. 5 A conduit (to be called "Conduit No. 2") consisting of one or more lines of pipes to commence by a junction with Conduit No. 1 by this Act authorised at a point in Dubbs Road 17 yards or thereabouts measured in a northerly direction from the south-east corner of the enclosure numbered 152 on the Ordnance map and terminating at a point 20 yards or thereabouts from the said point of junction measured in a westerly direction:

Work No. 6 A conduit (to be called "Conduit No. 3") consisting of one or more lines of pipes to commence at a point 11 yards or thereabouts measured in a northerly direction from the southernmost corner of the enclosure numbered 154 on the Ordnance map and terminating by a junction with Conduit No. 1 by this Act authorised at a point in Dubbs Road 5 yards or thereabouts measured in a westerly direction from the south-westerly corner of the enclosure numbered 158 on the Ordnance map:

Work No. 7 A road (to be called "Road No. 2") to commence by a junction with Dubbs Road at a point 30 yards or thereabouts measured in a northerly direction from the south-east corner of the enclosure numbered 152 on the Ordnance map and terminating at a point 34 yards or thereabouts measured in a westerly direction from the southernmost corner of the said enclosure numbered 154:

Work No. 8 A diversion of the stream known as Dubbs Beck to commence at or in the dam or embankment of the Dubbs Reservoir and to terminate at a point on the Dubbs Beck where such beck flows beneath the boundary wall of the sheep-wash enclosure (part of enclosure numbered 165 on the Ordnance map) at a point 9 yards or thereabouts measured in a westerly direction from the north-easterly corner of the said sheep-wash enclosure.

Limits of
deviation.

28. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such roads shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say):—

The Company shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition : A.D. 1912.

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

29. If the works described in and authorised by the section of this Act of which the marginal note is "Power to make and maintain waterworks" and shown on the deposited plans and sections are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for executing any such work shall (subject as hereinafter provided) cease except as to so much thereof as shall then be completed. Provided that if within the said period Work No. 1 (Reservoir No. 3) by this Act authorised be completed the Company may at any time thereafter carry out and complete Work No. 2 by this Act authorised and that nothing in this section shall restrict the Company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite. Period for completion of works.

30. The Company may in connection with their waterworks on the lands described in the deposited plans construct and maintain all necessary and proper embankments dams channels basins byewashes weirs culverts tunnels cuts adits bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds filters filtered-water tanks wells waste-water channels fences engines engine-houses and other buildings pumps conduits catchwaters tanks mains pipes gauges junctions valves telegraphs telephones houses and other works apparatus and conveniences for effectually constructing maintaining inspecting enlarging repairing cleansing conducting managing working and using the waterworks or other works incidental thereto for obtaining collecting impounding filtering treating storing conveying and distributing water and also watering troughs and pipes leading thereto for the purpose of Power to make additional works.

A.D. 1912. giving supplies of water for cattle and sheep in any inclosures where access to Dubbs Beck may be cut off by their waterworks or any of them Provided that no telegraphs telephones or appliances made or maintained by the Company under the authority of this section shall be used for transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

New water-works to form part of water undertaking of Company.

31. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the water undertaking of the Company as if they had been authorised by and included or referred to in the Act of 1869 and the Act of 1889.

Power to take waters.

32. The Company may subject to the provisions of this Act take divert and collect and impound appropriate and use for the purposes of their waterworks the water of the brook or stream called Dubbs Beck and of the several tributaries of the said brook or stream and all other brooks streams springs and waters shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by the waterworks by this Act authorised or which now directly or derivatively flow or proceed into or supply the said brook or stream or which can or may be intercepted or abstracted by means of the waterworks and all waters found in or under any of the lands taken by them for the purposes of the waterworks under the powers of this Act.

As to compensation water.

33. Whenever and so long as the Company shall cause or permit water to flow down the River Gowan and shall supply water for cattle and sheep watering and to the Dubbs Beck sheep-wash in accordance with the provisions of section 41 of the Act of 1889 (Compensation water) such water shall be accepted and taken by the owners lessees and occupiers of all mills manufactories and other works and by all other parties using or interested in the waters of Dubbs Beck below Reservoir No. 3 by this Act authorised as full compensation for all water which the Company can impound or take under the powers of this Act:

Provided that before they shall impound any water by means of the said Reservoir No. 3 the Company at their own expense shall and they are hereby authorised to raise by six inches the

existing stone and concrete bed of the byewash of Reservoir No. 2 by the Act of 1889 authorised and shall and they are hereby authorised to raise the embankment of the said Reservoir No. 2 and the pitching on the face thereof to and shall thereafter maintain the same at such a level that the top water level of the said Reservoir No. 2 may be raised to the extent of six inches above the top water level of the said Reservoir No. 2 as constructed at the date of the passing of this Act. A.D. 1912.

34. In the event of the flow of water down Dubbs Beck being by the exercise of the powers of the Company under this Act so reduced as at any time to be insufficient for the watering of the cattle and sheep of any occupier of land adjacent to Dubbs Beck between Reservoirs No. 1 and No. 2 by the Act of 1889 authorised the Company shall make other sufficient provision for the watering of the cattle and sheep upon his land and in or adjacent to the said beck. For providing water for cattle between reservoirs.

35. For the protection of the urban district council of Windermere (hereinafter in the section called "the council") the following provisions shall have effect (that is to say):— For protection of Windermere Urban District Council.

(1) If the council shall introduce a Bill in the next session of Parliament for an Act to empower them to purchase the gasworks and the waterworks undertakings of the Company and shall bonâ fide promote the same the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit:

(2) If the council obtain an Act authorising such purchase they shall give written notice of their intention to purchase within three months after the passing of such Act and thereupon the Company shall sell and transfer and the council shall purchase the said undertakings of the Company subject to all the then existing mortgages obligations and liabilities of the Company other than current debts of the Company:

(3) Any such sale and purchase shall be for such a sum in gross and on and subject to such terms and conditions

A.D. 1912.

as may be agreed upon between the Company and the council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase, and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council and the expression "lands" shall mean the said undertakings of the Company respectively and in the event of such arbitration taking place the arbitrators or umpire shall in settling the amount of the said sum allow and add ten per centum as compensation for compulsory purchase. Provided that the said sum in gross to be paid by the council to the Company as aforesaid shall not be enhanced or decreased by the passing of this Act or by anything herein contained or by anything done under the powers hereof and that in addition to such sum the council shall pay to the Company (A) The costs of obtaining this Act and any costs incurred by the Company for the protection of their interests as provided by subsection 1 of this section all such costs to be taxed as between solicitor and client (B) Any moneys expended by the Company for the purposes or in pursuance of the provisions of this Act together with interest thereon at the rate of five per centum per annum from the date of expenditure thereof by the Company to the date of payment by the council (c) Such a sum as shall be agreed between them or determined by valuation for the stock-in-trade and stores of the Company as the same shall stand on the date of the transfer and (D) The reasonable costs of winding up the Company:

- (4) The council shall also pay such compensation to the officials or servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertakings of the Company to the council (on the basis of the salaries or wages paid to them at the date of the passing of the Act authorising the purchase of the undertakings of the Company) as failing agreement may be fixed by arbitration but in

fixing such compensation the arbitrator shall take into account any reasonable offer by the council to continue any officials or servants in their employment in the same or an equivalent position Provided that where an official or servant has been not less than twenty years in the service of the Company the refusal to accept such employment under the council shall not be a bar to compensation : A.D. 1912.

- (5) The Company shall be entitled to and shall retain all sums standing to their credit at any bank or otherwise and all sums standing to the credit of any reserve or other fund and all cash in hand (excepting always consumers' deposits at the date of the transfer of the said undertakings of the Company to the council in this section called "the date of transfer") and the Company shall also be entitled to receive and recover all debts accruing due to the Company up to the date of transfer and shall pay and discharge all current debts owing by them at and all outgoings to the said date and as from that date all outgoings shall be borne and paid by the council Provided that any rates rents charges or outgoings which may be paid or payable in respect of a period comprising in part a period subsequent to the date of transfer shall be apportioned and so much thereof as is attributable to the period antecedent thereto shall belong to or be paid by the Company and the balance thereof shall belong to or be paid by the council :
- (6) In this section the expression "the gasworks and waterworks undertakings of the Company" includes all the gasworks waterworks engines mains pipes and machinery lands and buildings plant fixed and moveable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertakings of the Company to the council save and except moneys and assets which under the provisions of this section shall be payable to the Company or which under the provisions of this section the Company are entitled to retain or

A.D. 1912.

receive and save and except the books and papers relating exclusively to the shareholders in and the constitution of the Company:

- (7) Save with the consent of the council the Company shall not before the thirty-first day of October one thousand nine hundred and twelve or if the council shall then have published the notices in the Gazette and newspapers as required by the standing orders of the Houses of Parliament of their intention to apply for a Bill as in the first subsection of this section mentioned thereafter unless and until such Bill shall have been withdrawn or rejected raise any capital or borrow any money save what it may be found to be necessary to borrow for satisfying existing obligations or acquire any land or enter into any contract for the execution of works under the provisions of this Act.

Costs of Act.

36. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Company and may be paid out of capital raised by them for the purposes of their water undertaking.

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