



CHAPTER lxxvii.

An Act to change the name of the Borough of Portsmouth Waterworks Company to extend their limits for the supply of water to consolidate and convert their ordinary capital to authorise them to raise additional capital and for other purposes. A.D. 1930.
[4th June 1930.]

WHEREAS the Borough of Portsmouth Waterworks Company (in this Act referred to as "the Company") were incorporated by the Borough of Portsmouth Waterworks Act 1857 and by the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1921 are authorised to construct certain waterworks and to supply water within limits which comprise the city of Portsmouth and an area adjoining thereto in the county of Southampton :

And whereas it is expedient that the limits for the supply of water by the Company should be extended as by this Act provided :

And whereas it is expedient that the Company should be empowered to acquire the existing waterworks at Catherington and Idsworth in this Act mentioned :

And whereas a statement of the share and loan capital of the Company is set forth in the schedule to this Act :

And whereas it is expedient that the existing ordinary capital of the Company should be consolidated and converted as provided by this Act and that the Company should be authorised to raise further capital :

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— And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained :

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

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This Act may for all purposes be cited as the Portsmouth Water Act 1930 and this Act and the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1921 may be cited together and are in this Act referred to as the Portsmouth Water Acts and Orders 1857 to 1930.

Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Change of name.
- Part III.—Limits of supply.
- Part IV.—Works and lands.
- Part V.—Supply of water &c.
- Part VI.—Financial provisions.
- Part VII.—Administrative provisions.
- Part VIII.—Miscellaneous.

Incorporation of
Acts.

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

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

(b) The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and the Companies Clauses Act 1863 as amended by subsequent Acts. A.D. 1930.
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(2) The Waterworks Clauses Act 1847 (except the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of "such owner" in section 44 of that Act) and the Waterworks Clauses Act 1863 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Portsmouth Waterworks Acts and Orders 1857 to 1930) shall be deemed to be incorporated with each of the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1921.

4. 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— Inter-pretation.

"The Company" means the Portsmouth Water Company;

"The undertaking" means the undertaking of the Company as from time to time authorised;

"The existing limits" means the area within which the Company are authorised to supply water by the Borough of Portsmouth Waterworks Acts and Orders 1857 to 1921;

"The added limits" means the area by this Act added to the existing limits;

"The limits of supply" means the area within which the Company are from time to time authorised to supply water;

"The Act of 1857" "the Act of 1861" "the Act of 1873" "the Act of 1883" "the Act of 1906" and "the Act of 1921" mean the Borough of Portsmouth Waterworks Acts 1857 1861 1873 1883 1906 and 1921 respectively;

"The Order of 1872" means the Cosham Havant and Emsworth Water Order 1872;

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“The Order of 1898” and “the Order of 1902” mean the Borough of Portsmouth Water Orders 1898 and 1902 respectively;

“The appointed day.” means the thirtieth day of September one thousand nine hundred and thirty;

“Existing shares” means existing shares in the capital of the Company;

“The ten per centum shares” means the existing shares entitled to a maximum dividend of ten per centum per annum;

“The seven per centum shares” means the existing shares entitled to a maximum dividend of seven per centum per annum;

“The five per centum shares” means the existing shares entitled to a maximum dividend of five per centum per annum; and

“The consolidated stock” means the ordinary stock into which the existing shares are by this Act converted.

PART II.

CHANGE OF NAME.

Change of name.

5. From and after the passing of this Act the name of the Company shall be the Portsmouth Water Company.

PART III.

LIMITS OF SUPPLY.

Extension of limits of supply.

6. The limits within which the Company may supply water shall extend to and include in addition to their existing limits of supply (1) the parish of Southwick in the rural district of Fareham (2) the parish of Hambleton in the rural district of Droxford and (3) the parishes of Catherington Blendworth Idsworth Chalton and Clanfield in the rural district of Catherington all in the county of Southampton and the provisions of the Portsmouth Water Acts and Orders 1857 to 1930 shall so far as applicable and except where otherwise therein or hereinafter expressly provided apply and have effect throughout the limits of supply :

Provided that the Company shall not supply or be under any obligation to supply water within—

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- (a) the parishes of Chalton or Clanfield or so much of the parish of Catherington as is situate to the north-east of a straight line drawn through the north corner of the enclosure numbered 630 and through the east corner of the enclosure numbered 645 on the $\frac{1}{2500}$ Ordnance map of that parish (sheet LXVIII-13 edition 1909) or so much of the parish of Blendworth as is situate to the west of a straight line drawn from the north corner of the enclosure numbered 56 on the $\frac{1}{2500}$ Ordnance map of the parish of North Havant (sheet LXVIII-11 edition 1909) to the north corner of the enclosure numbered 108 on the $\frac{1}{2500}$ Ordnance map of the parish of Blendworth (sheet LXVIII-7 edition 1909) unless and until the Company shall have purchased the Catherington waterworks as defined in the section of this Act of which the marginal note is "Power to purchase Catherington waterworks" or part thereof; and
- (b) the parish of Idsworth or so much of the parish of Blendworth as is situate to the east of such last-mentioned straight line unless and until the Company shall have purchased the Idsworth waterworks as defined in the section of this Act of which the marginal note is "Power to purchase Idsworth waterworks" or part thereof.

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

Power to local authority &c. to supply water in case Company fails to supply.

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

Rates for supply of water for domestic purposes in added limits.

8. Notwithstanding anything contained in this Act subsection (1) of section 5 (Rates for supply of water for domestic purposes) of the Act of 1921 in its application within the added limits shall be read and have effect as if—

- (a) “twelve pounds ten shillings per centum” were referred to therein in lieu of “eight pounds five shillings per centum”;
- (b) “fifteen shillings” were referred to therein in lieu of “ten shillings”; and
- (c) subsection (4) of the said section were omitted therefrom:

Provided that the charges which may from time to time be demanded by the Company for a supply of water for domestic purposes within any part of the added limits shall not exceed by more than fifty per centum the charges at the time demanded by the Company for those purposes within the existing limits.

PART IV.

WORKS AND LANDS.

Power to purchase Catherington waterworks.

9.—(1) In this section the expression “the council” means the Catherington Rural District Council and the expression “the Catherington waterworks” means the pumping station and reservoir situate near Prochurch Farm in the parish of Catherington in the rural district of Catherington in the county of Southampton in the enclosure numbered 449 on the $\frac{1}{2500}$ Ordnance map of that parish (sheet LXVIII-10 edition 1909) and the reservoir situate in the said parish near Catherington Parish Church in the enclosure numbered 134 on the said Ordnance map (sheet LXVIII-2 edition 1909) and the mains pipes and other works of the council used for the purpose of supplying water in the said rural district and the respective sites of such pumping station reservoirs and works.

(2) The Company shall purchase and the council shall sell the Catherington waterworks at a price to be agreed between the Company and the council or failing agreement to be fixed in accordance with the provisions of the Arbitration Act 1889 by a single arbitrator appointed jointly by the parties or in case of disagreement to be appointed by the President of the Institution of Civil Engineers and the said purchase shall be completed on or before the thirty-first day of December one thousand nine hundred and thirty.

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(3) On the completion of the purchase of the Catherington waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and the provisions of the Acts from time to time relating to the Company shall apply to the Catherington waterworks or part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts.

10. For the protection of the Catherington Rural District Council (in this section referred to as "the council") the following provision shall unless otherwise agreed between the Company and the council have effect (that is to say):—

For protection of Catherington Rural District Council.

The Company shall within two years after the completion of the purchase of the Catherington waterworks lay down suitable and sufficient mains for affording a supply of water in accordance with the provisions of the Acts and Orders relating to the Company along the routes coloured red on the map signed in duplicate by David Halton Thomson on behalf of the Company and G. C. Vernon Inkpen and Rogers on behalf of the council one copy of which has been retained by the Company and the other copy by the council.

11.—(1) In this section the expression "the owner" means Sir Dudley Alan Lestock Clarke-Jervoise Baronet and his successors in title in respect of the Idsworth Estate and the expression "the Idsworth waterworks" means the pumping station situate in the parish of Blendworth (near Rowlands Castle) in the rural district of Catherington in the county of Southampton in the enclosure numbered 213 on the $\frac{1}{2500}$ Ordnance map of

Power to purchase Idsworth waterworks.

A.D. 1930. — that parish (sheet LXVIII-11 edition 1909) and the well borehole and adits connected therewith and the water tower mains pipes and other works of the owner used for the purpose of supplying water in the parishes of Blendworth and Idsworth and the respective sites of such pumping station well and works.

(2) The Company may by agreement with the owner purchase the Idsworth waterworks or any part thereof upon such terms and conditions pecuniary or otherwise as may be agreed between the Company and the owner.

(3) On the completion of the purchase of the Idsworth waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and may also pump collect divert take and use all or any of the underground waters which will or may be taken or intercepted by the pumping station or the well borehole or adits connected therewith so purchased by the Company and the provisions of the Acts from time to time relating to the Company shall apply to the Idsworth waterworks or any part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts.

Application
of Water-
works
Clauses
Act 1847
to pipes
telephones
&c.

12. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road within the limits of supply of any discharge pipes telephone or telegraph or electric posts wires conductors or apparatus which the Company may and which they are hereby authorised to construct lay down or erect for the purposes of the undertaking :

Provided that the Company shall not lay down or erect any discharge pipes telephone or telegraph or electric posts wires conductors or apparatus in any street or road without the consent in writing of the road authority which consent shall not be unreasonably withheld and any dispute as to whether such consent is in any case unreasonably withheld shall be determined by an arbitrator to be agreed upon between the Company and the road authority or failing agreement to be appointed on the application of either party by the Minister of Health :

Provided also that any telephone or telegraph or electric posts wires conductors or apparatus laid down or erected by the Company under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. A.D. 1930.

13.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Acts and Orders relating to the Company. Power to lay pipes in private streets.

(2) The Company shall not exercise their powers under this section with respect to any street belonging to the Southern Railway Company without the consent of that company but such consent shall not be unreasonably withheld and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street.

14. In addition to any other lands which the Company are by the Portsmouth Water Acts and Orders 1857 to 1930 authorised to take or purchase they may by agreement take purchase or lease and hold for the general purposes of the undertaking any lands not exceeding in the whole thirty acres but the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incidental to or connected with the purposes of the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company. Purchase of lands by agreement.

15.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or Power to hold lands and exercise powers for protection of waters.

A.D. 1930. — rights and may hold such lands and any other lands which they may have acquired whether before or after the passing of this Act for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct lay down maintain remove and renew drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Company or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of any waters which the Company are from time to time empowered to take.

Dwelling-
houses for
employees
offices
recreation
grounds &c.

16. The Company may purchase or take on lease houses cottages and other buildings for their employees and offices showrooms and other buildings for the purposes of the undertaking and ground for the purpose of recreation of their employees and may erect fit up and maintain and let any such buildings upon any lands from time to time belonging or leased to the Company.

PART V.

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SUPPLY OF WATER &C.

17.—(1) The water supplied by the Company in the city of Portsmouth as now existing shall be constantly laid on under pressure but such water need not at any time be laid on under a pressure greater than at levels higher than two hundred and fifty feet above Ordnance datum will make the water reach an altitude of thirty-five feet above the ground level of any premises to be supplied. Provided however that until the expiration of three years from the passing of this Act the water supplied by the Company in the area which is within the city as now existing but was outside the limits of the borough of Portsmouth as it existed at the passing of the Act of 1906 need not at any time be delivered at a greater height than can be reached by gravitation from any existing reservoir or tank of the Company from which it is supplied at the date of the passing of this Act. Pressure.

(2) The water supplied by the Company within the limits of supply outside the city of Portsmouth as now existing shall be constantly laid on under pressure but such water need not at any time be delivered at a greater height than can be reached by gravitation from the reservoir or tank of the Company from which it is supplied.

18. Where the limits of supply are bounded by or abut upon any street or road outside such limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exercisable by them with respect to streets or roads within the limits of supply and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening As to streets and roads forming boundary of limits of supply.

A.D. 1930. or breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the limits of supply. Provided that nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the limits of supply.

Supply of water by Company to premises outside limits of supply.

19.—(1) The Minister of Health if he is satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the Company as in the opinion of the Minister of Health are necessary in order to give full effect to the order.

(3) An order shall not (unless in the opinion of the Minister of Health consent is unreasonably withheld) be made except with the consent of the local authority within whose area and of any undertakers for the supply of water within whose limits of supply the premises are situate.

(4) Notwithstanding anything in this section every order made thereunder shall be framed so as to secure that the provisions of the Portsmouth Water Acts and Orders 1857 to 1930 with respect to the breaking up of streets for the purpose of laying maintaining removing and renewing pipes shall apply in relation to pipes laid for affording a supply of water in pursuance of this section.

Supplies to premises partly used for trade &c.

20.—(1) The Company shall not be bound to supply with water otherwise than by measure—

(a) any premises 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 or asylum (whether public or private) sanatorium nursing home

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school or similar institution club hotel restaurant public-house inn common lodging-house or public assembly hall; or

- (c) any boarding-house lodging-house or public institution capable of accommodating twelve or more persons including the persons usually resident therein;

but shall if so required by the owner or occupier of any such premises as aforesaid furnish a supply of water by measure in accordance with the provisions of this section.

(2) The amount to be paid for a supply of water under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

21.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Any sums chargeable under this subsection shall be payable one quarter in advance and be in addition to the rates which they are from time to time authorised to levy for a supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

Charges for supplies for motor cars refrigerating apparatus &c.

(2) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used by means of such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

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(3) Where a person who takes a supply of water for domestic purposes from the Company desires to use for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water any of the water so supplied the Company shall be entitled to require that all water so used shall—

- (a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Company.

Water rate in case of two or more houses in one occupation.

22. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Special terms for supplies to caravans &c.

23. Notwithstanding anything in any Act or Order relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take such supply by measure or on such terms as he and the Company shall agree and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Cisterns to be provided for high level supplies.

24. The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of water

is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of twenty-four hours and the Company shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

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25. Notwithstanding anything contained in any Act or Order relating to the Company the Company shall at their own expense carry out or cause to be carried out any necessary works of repair or renewal of that part of any communication pipe stop-cock or other fitting which is in or under any street and of any works on their main incidental thereto.

Company to maintain communication pipes under streets.

26. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Power to Company to repair communication pipes.

27. Notwithstanding anything contained in any Act or Order 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

Company to connect communication pipes with mains.

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A.D. 1930. — 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.

Stop-cocks to be fitted in communication pipes.

28. In the case of all new buildings erected after the passing of this Act within the limits of supply and connected with the mains of the Company the Company may in cases where the communication pipes are laid by the owner or by the Company at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Company from which the supply is given to the said premises and if such owner make default the Company may insert a stop-cock in such communication or service pipe and recover the expense from the owner as a civil debt.

Maintenance of common pipe.

29. When several houses or other premises or parts of houses or other premises 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 other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contribution shall be settled by the engineer of the Company.

As to provision of separate pipe.

30. If the owner of any house supplied with water by the Company when so required in pursuance of section 14 (Company not bound to supply several houses by one pipe) of the Act of 1906 fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Company may themselves do the work necessary in

that behalf and may recover the cost incurred by them in so doing from such owner. A.D. 1930.

31. The Company may sell meters and fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

32.—(1) The Company may if requested by any person supplied or about to be supplied by them with water furnish to him on sale or hire and lay fix repair or alter but shall not manufacture any such communication or service pipes and fittings as are required or permitted by their regulations or byelaws between the Company's main and the outer wall of any building on the premises to be supplied and may provide all materials and work necessary and proper in that behalf and the reasonable charges of the Company in providing such materials and executing such works shall be paid by the person requiring the same and shall be recoverable by the Company as the water rates in respect of the premises are recoverable. Power to supply and fix service pipes &c.

(2) Any pipes or 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 Company as the actual owners thereof.

33. 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.

34.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring As to register of meter.

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A.D. 1930. — 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 on 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.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Company.

Extension
of power
to inspect
premises.

35. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times (a) during the period from the first day of October to the thirty-first day of March between the hour of four o'clock in the afternoon and five o'clock in the afternoon and (b) during the period from the first day of April to the thirtieth day of September between the hour of four o'clock in the afternoon and one hour after sunset (but in no case later than nine o'clock in the evening) enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds:

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

36. 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 Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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Penalty for opening valves &c.

37. Section 19 (Penalty for closing valves and apparatus) of the Act of 1921 shall be read and have effect as if the words "which is not also used for the purposes of a supply to any other consumer" were added at the end of that section.

Amendment of section 19 of Act of 1921.

38. Notwithstanding anything contained in section 42 of the Waterworks Clauses Act 1847 if any person takes or uses the water referred to in that section for extinguishing fires in heaps of refuse cinders or other waste matter or material he shall make compensation to the Company for such water unless such fire had endangered or was likely to endanger the security of life or property other than such matter or material and the amount of such compensation shall in case of difference be determined by a court of summary jurisdiction.

Water for extinguishing fires in refuse heaps &c. to be paid for.

PART VI.

FINANCIAL PROVISIONS.

39.—(1) On and after the appointed day the existing shares shall become and be by virtue of this Act converted into ordinary stock of one and the same class as follows :—

Conversion of capital.

Each of the ten per centum shares of ten pounds shall be converted into twenty pounds ordinary stock;

Each of the ten per centum shares of five pounds shall be converted into ten pounds ordinary stock;

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Each of the seven per centum shares shall be converted into seven pounds ordinary stock; and

Each of the five per centum shares shall be converted into five pounds ordinary stock.

(2) There shall be created by virtue of this Act such nominal amount of ordinary stock as shall be necessary for the purpose of carrying into effect the conversion provided for by this section and the stock into which the existing shares shall be so converted shall be deemed to be fully paid up and (subject to the provisions of subsection (3) of this section) shall be by virtue of this Act vested in the holders at the appointed day of the existing shares for which the same is substituted.

(3) In every case where under the provisions of this section any holder of existing shares would be entitled to an amount of consolidated stock which includes a fractional part of one pound such fractional part shall not (notwithstanding the said provisions) vest in such holder and the Company shall (subject to the provisions of this Act) pay to the holder a sum of cash equal to the nominal amount of the fractional part. Any fractional part of one pound of consolidated stock in respect of which a sum of cash is paid under the provisions of this subsection shall be forthwith cancelled and shall cease to form part of the capital of the Company.

(4) The consolidated stock which becomes vested in the holders of the existing shares under the provisions of this section shall as soon as practicable after the appointed day be registered in the respective names of those holders in the books of the Company and shall rank for dividend as from the appointed day and the existing shares shall not bear any dividend in respect of any period subsequent to the appointed day.

Company's
books to be
evidence
as to
holders of
existing
shares.

40.—(1) The several persons who immediately before the appointed day appear on the registers of the Company to be holders of existing shares or the respective executors or administrators of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is "Transfers &c. of existing shares although by present name to be valid" be deemed to be the holders of existing shares of the number and class stated in the registers and after the appointed day the registers of transfers of the existing

shares shall be permanently closed and (except as provided by the said section) no transfer of any existing shares made after the appointed day shall as between the Company and the party claiming thereunder be of any effect.

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(2) The issue by the Company of certificates for consolidated stock and the payment of sums of cash for fractional parts of one pound of stock in accordance with the provisions of this Act to the persons whose names appear by the said registers to be registered holders of existing shares or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the said section of this Act shall be sufficient discharge to the Company for all purposes.

41. All consolidated stock vested in and all sums of cash (if any) paid by the Company to the holders of the existing shares pursuant to the provisions of this Act shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the existing shares for which the consolidated stock and sums of cash (if any) are respectively substituted were held immediately before the appointed day and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the consolidated stock and sums of cash (if any) which under the provisions of this Act are vested in or paid to them respectively in substitution for the existing shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Consolidated stock to be held on same trusts &c. as existing shares.

42.—(1) The Company shall as soon as practicable after the appointed day call in the certificates of the existing shares and issue in exchange for those certificates to the respective holders thereof (free of charge) certificates of consolidated stock of the respective amounts and pay to such holders the respective sums

Certificates of existing shares to be called in and others issued.

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of cash (if any) to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any such sum of cash until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate and sum of cash (if any) are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require.

(2) Until the issue of such new certificates the holders of the existing certificates shall (according to the amounts of consolidated stock to be issued by virtue of this Act in substitution or part substitution for the existing shares which such certificates respectively represent) have and possess the same rights and privileges as if the existing certificates were certificates for those respective amounts of consolidated stock but if any holder of any existing shares fail to send or deliver to the Company his existing certificate or certificates for the period of six months after notice in writing sent by post to the address appearing in the shareholders' address books the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated stock so vested in him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

Transfers
&c. of
existing
shares
although
by present
name to be
valid.

43. All transfers or other dispositions of any existing shares made but not registered prior to the issue to the holder of the shares of the certificate for consolidated stock to which the holder is entitled under the provisions of this Act shall (notwithstanding this Act) be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated stock and sums of cash (if any) which are substituted under the provisions of this Act for the existing shares thereby expressed to be transferred or disposed of although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before conversion under this Act and any bequest.

of or any covenant or provision of any deed or agreement relating to any specified number and class of existing shares shall be held to apply to an amount of consolidated stock equal to that which is under the provisions of this Act substituted for such specified number and class of existing shares. A.D. 1930.

44. The unexercised powers of the Company to raise additional share capital or to borrow money under the Orders of 1898 and 1902 and the Acts of 1906 and 1921 are hereby cancelled. Cancellation of unexercised capital powers.

45. Notwithstanding anything in the Waterworks Clauses Act 1847 or any other Act or Order relating to the Company it shall not be lawful for the Company to apply any of their funds or profits to the making up of the deficiency of any dividends payable in respect of any of the existing shares. Cancellation of existing arrears of dividend.

46. The Company may from time to time raise by the creation and issue of ordinary stock and preference stock or wholly or partially by one of those modes additional capital to such an amount as shall be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of one hundred and twenty thousand pounds. Additional capital.

47. The consolidated stock and all ordinary stock forming part of the additional capital authorised by this Act shall for all purposes form one and the same class of stock. All ordinary stock to form one class.

48. The profits of the Company to be divided in respect of any year after the appointed day among the holders of ordinary stock and preference stock shall not exceed the following rates (namely) :— Dividends.

On any preference stock to be issued under the powers of this Act such rate (not exceeding six per centum per annum) as shall be specified in the resolution creating the stock; and

On the ordinary stock (whether consolidated stock or stock to be issued under the powers of this Act) the rate of five per centum per annum unless a larger dividend be at any time necessary to make up the deficiency on any previous dividend in respect of any year or half-year

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subsequent to the appointed day which shall have fallen short of the said rate of five per centum per annum.

New stock
to be sold
by auction
or tender.

49.—(1) All stock (other than debenture stock) issued by the Company after the passing of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk to the council of every city and urban or rural district which includes a part of the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Minister of Health 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 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 except that the offer by tender of any holder of stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company ;

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(e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid;

(f) 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 stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference 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 a case of an offer to holders of stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be 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 Minister of Health stating the total amount of the stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

50.—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “New stock to be sold by auction or tender” the Company with the approval of the Minister of Health may—

Provisions
as to sale
of stock and
payment
of com-
missions.

(a) when ordinary or preference stock of the Company is to be issued (and whether or not the then existing ordinary or preference stock is at a premium) before offering the stock so to be

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issued for sale by auction or tender offer the stock to the consumers of water supplied by the Company and employees of the Company at not less than the then value thereof;

(b) offer for subscription by the public free from the provisions of the said section of this Act (but subject to such conditions as the said Minister may think fit to impose) any stock to be so issued as aforesaid; and

(c) on the offer for sale or subscription by the public of any stock to be so issued as aforesaid or any debenture stock to be issued by the Company after the passing of this Act pay a commission not exceeding five per centum. Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale or inviting subscriptions for such stock.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any stock at the date of the offer thereof to any consumer or employee shall be deemed to be the average price at which according to the Company's books sales of stock of the same class were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined or if there has been only one sale or no sale of such stock during such period then the price at which the last sale of such stock was effected making due allowance for any probable change in value since such date due to the accrual or payment of dividend or any other cause.

(3) Nothing in this section shall affect any power of the Company to pay brokerage.

Power to
borrow.

51.—(1) Subject to the provisions of this Act the Company may at any time and from time to time and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 raise by borrowing on mortgage of the undertaking in respect of the existing shares and the consolidated stock into which the existing shares shall be converted any sum or sums not exceeding (inclusive of the amount raised by

any mortgage debentures or debenture stock issued by the Company prior to the passing of this Act and for the time being outstanding) the total sum of three hundred and twenty-five thousand one hundred and eighty-eight pounds. A.D. 1930.
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(2) The Company may also at any time and from time to time raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount which at the time of borrowing has been actually paid up (including premiums) on any ordinary stock and preference stock forming part of the additional capital authorised by this Act and for the time being issued but no sum shall be borrowed in respect of any capital so issued until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole amount payable on the issue of the stock with respect to which the borrowing powers are exercised and of the premium (if any) realised on the sale thereof have been fully paid up.

52. Section 25 (As to receiver) of the Act of 1921 is hereby repealed and the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. As to receiver.

53. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by subsequent Acts and of section 32 (All debenture stock and future mortgages of Company to rank *pari passu*) of the Act of 1906 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

54. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act or Order relating to the Company or 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 Priority of money raised on mortgage or debenture stock over other claims.

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— engagements entered into by them after the passing of this Act. Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Issue of
redeemable
preference
and debenture
stock.

55.—(1) If the Company desire to raise by the issue of preference stock any capital which they are by this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference stock or debenture stock as redeemable stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

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

- (a) call in and pay off such preference or debenture stock or any part thereof at any time before the date fixed for redemption; and
- (b) redeem such stock or any part thereof either by paying off such stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) For the purpose of providing money for paying off such stock or providing other stock in substitution therefor the Company may create and issue new stock (redeemable or irredeemable) or re-issue stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

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(4) The Company shall not redeem out of revenue any redeemable stock issued under the powers of this section except to the extent of any discount allowed on the issue or any premiums payable on the redemption of any such stock.

(5) The provisions of the section of this Act of which the marginal note is "New stock to be sold by auction or tender" shall not apply to any stock created and issued in substitution for any redeemable stock issued under the powers of this section.

(6) For the purpose of determining the amount which may from time to time be raised by the Company by the creation and issue of ordinary preference or debenture stock or by mortgage of the undertaking any stock created and issued in pursuance of this section shall after the redemption thereof be deemed not to have been created and issued.

56.—(1) Any ordinary stock preference stock or debenture stock of the Company may be issued and be held in amounts of five pounds or of any integral number of pounds exceeding five and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock which would make the holding of the transferor or transferee of stock of that class less than five pounds or other than an integral number of pounds.

Minimum
amounts of
holdings
of stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock to be issued by the Company after the passing of this Act.

57.—(1) All moneys which the Company are by this Act authorised to raise shall be applied only to the purposes of this Act and to the general purposes of the undertaking being in all cases purposes to which capital is properly applicable.

Applica-
tion of
funds.

(2) The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts or Orders and which are not required for the purposes to which they are by those Acts or Orders made specially applicable.

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PART VII.

ADMINISTRATIVE PROVISIONS.

Indemnity
may be
required
before
issue of
substituted
certificates
&c.

58. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage or a new certificate of any stock or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture or mortgage certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage stock dividend or interest represented thereby.

Ordinary
meetings
and
accounts.

59.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act or Order relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of May or at such other time as the directors may appoint.

(2) It shall not be obligatory on the Company to hold half-yearly general meetings or to balance their accounts or to make up a balance sheet half-yearly and the balance sheet and accounts to be made up in accordance with section 116 of the said Act of 1845 shall relate to the transactions of the Company in the course of the preceding year.

Voting
rights.

60.—(1) At all general meetings of the Company after the appointed day every holder of ordinary stock and (if the resolution creating the same confers voting rights) of preference stock shall have one vote in respect of each complete five pounds in the nominal value of such stock held by him up to one hundred pounds and an additional vote for every complete ten pounds beyond the first one hundred pounds in such nominal value up to one thousand pounds and an additional vote for every complete fifty pounds in such nominal value beyond the first one thousand pounds.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference stock. A.D. 1930.
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61. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy. Provided that the instrument appointing the attorney or if it has been deposited in the central office of the Supreme Court of Judicature an office copy thereof shall be transmitted to the secretary of the Company before or at the same time as the instrument appointing the proxy. As to appointment of proxies.

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

63.—(1) The directors may close the register of transfers of any ordinary or preference stock of the Company for a period not exceeding fourteen days previous to the payment of any interim dividend on any such ordinary or preference stock and may close the register of transfers of debentures or debenture stock or mortgages of the Company for a period not exceeding fourteen days previous to the payment of any interest on any such debentures or debenture stock or mortgages and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section. Seven days' notice of the Closing of transfer books.

A.D. 1930. closing of any such register shall be given by advertisement in some newspaper published and circulating within the limits of supply.

(2) Any transfer of any ordinary or preference stock or of any debentures or debenture stock or mortgages lodged for registration with the Company while the transfer books relating to such ordinary or preference stock or to such debentures or debenture stock or mortgages are so closed shall as between the Company and the person claiming under any such transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Directors.

64.—(1) The number of directors shall be six but the Company may vary the number provided that the number be not at any time more than ten or less than five.

(2) On and after the appointed day the qualification of a director shall be the possession in his own right of ordinary stock in the capital of the Company of a total nominal amount of not less than five hundred pounds.

Vacancies in directorate.

65. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this Act the directors shall not except for the purpose of filling vacancies and allotting stock to any proposed director or directors act so long as the number is below such minimum.

Notice of candidature of or of opposition to re-election of director.

66. No person not being a retiring director of the Company shall be eligible to be elected a director of the Company at any general meeting unless notice in writing is given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the date of election that such person will be proposed for election as a director of the Company and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office. No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of stock for at least

three months prior to his election In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

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

Directors holding office under or contracting with Company.

68.—(1) The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm of accountants to be the auditors of the Company.

Auditors.

(2) The auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold stock of the Company but nothing in this section shall prevent any person who at the passing of this Act is an auditor of the Company continuing to act as such auditor.

(3) If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

A.D. 1930.

(4) In the event of the death or resignation of any auditor appointed under this section the directors may appoint an auditor in the place of the auditor so dying or resigning and any auditor so appointed shall hold office until the next stockholders' meeting.

As to
stock-
holders'
register.

69. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary after the passing of this Act to authenticate the register of the stockholders of the Company by affixing the common seal of the Company to such register.

Substitution
of card
index
for stock-
holders'
address
book.

70. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 as from time to time applied to the Company the Company may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several stockholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Power to
grant
pensions
&c.

71.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or the personal representative of any employee or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or family or any dependant of an employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing gratuities pensions allowances or payments to any employee or the widow family or dependant of any employee.

(3) The directors may subscribe or make donations to any fund raised in case of national emergency or in connection with the industry of water supply and to infirmaries hospitals convalescent homes and other institutions and objects which would be for the benefit of the employees and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the Company for the purposes of this section.

PART VIII.

A.D. 1930.

MISCELLANEOUS.

72. The Company may enter into and carry into effect agreements 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 as may be agreed upon and either in perpetuity or 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 and for the purpose of taking any supply of water so purchased the Company may have and shall be entitled to exercise and enjoy outside the limits of supply all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the said provisions shall apply to so much of any street or road outside the limits of supply as the Company shall require to break up for the purposes aforesaid as if the same were streets or roads within such limits Nothing in this section shall entitle the Company to supply water to any premises outside the limits of supply.

Purchase of water in bulk.

73.—(1) The council of any urban or rural district in whole or in part within the limits of supply may give and enter into a 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 pipe or works for the supply of water within any part of such district.

Guarantees by local authorities

(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 :

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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 rate.

For protec-
tion of
South-
ampton
County
Council.

74.—(1) The provisions of section 13 (For protection of Southampton County Council) of the Borough of Portsmouth Water Order 1913 shall extend and apply to the execution of works and the exercise of powers by the Company in the added limits and to the exercise by the Company of the powers of breaking up streets and roads outside the limits of supply conferred by the section of this Act of which the marginal note is “Purchase of water in bulk” where the execution of such works or the exercise of such powers affects county roads and county or main road bridges in the county of Southampton.

(2) For the purposes of such application the expressions “this Act” and “the Company” shall respectively be substituted for the expressions “this Order” and “the undertakers” wherever such last-mentioned expressions occur in the said section 13 and references to county roads shall be substituted for the references in the said section to main roads.

For protec-
tion of
Southern
Railway
Company.

75. For the protection of the Southern Railway Company (in this section referred to as “the railway company”) the following provisions shall unless otherwise agreed between the railway company and the Company apply and have effect:—

(1) In constructing laying down or executing or in effecting renewals of any mains pipes or other works of the Company under the powers of this Act (which mains pipes or other works are in this section referred to as “the Company’s works”) upon across over under or in any way affecting the railways or other works of the railway company (in this section referred to as “the railway works”) the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the chief engineer of the railway company (in this section referred to as “the engineer”) and according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense

- of the Company Provided that if the engineer shall not express his disapproval of such plans within twenty-eight days from the submission thereof he shall be deemed to have approved the same :
- (2) The Company shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company in connection with the Company's works :
 - (3) The Company shall if required so to do by the engineer provide and maintain such stop valves (if any) as may be reasonably necessary on any mains or pipes to be laid by the Company under the powers of this Act on over or in any way affecting the railway works of the railway company :
 - (4) The Company's works shall be executed and maintained so as to cause as little damage or injury as may be to the railway works and so as to cause no interruption to the traffic over the railways of the railway company but the railway company shall at all reasonable times after due notice afford to the Company access to the property of the railway company for the purpose of the execution and maintenance of the Company's works :
 - (5) If any such damage injury or interruption as aforesaid shall arise from the acts or operations of the Company or from the failure of the Company to maintain the Company's works or from the bursting leakage or failure of any of the Company's works the Company shall forthwith at their own expense make good all such damage or injury to the reasonable satisfaction of the engineer and shall indemnify the railway company from all claims in respect of any such damage injury or interruption and shall make compensation to the railway company in respect of any such interruption :

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- (6) In the event of the Company failing to make good such damage or injury as aforesaid or failing to maintain the Company's works where they pass under over or in any way affect the railway works in substantial repair and good order to the reasonable satisfaction in all respects of the engineer or in case of emergency (of which the engineer shall be the sole judge) the railway company may make good the same and make and do in and upon as well the lands of the Company as their own lands all such repairs and things as may be reasonably requisite and may recover from the Company the reasonable expense of so doing :
- (7) The Company shall bear and on demand pay to the railway company the reasonable expense of the employment by them during the construction and maintenance of any of the Company's works over under or across the railway works of such inspectors or watchmen to be appointed by the railway company as may be reasonably necessary for watching and protecting the railways of the railway company and the conduct of the traffic thereon with reference to and during the execution and maintenance of the Company's works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employ of the Company or their contractors :
- (8) If at any time it is found necessary in order to enable the railway company in the exercise of their existing powers to carry out any extension alteration or repair of the railway works to alter the position of any of the Company's works the Company shall on receiving notice in writing from the railway company so to do at their own cost and to the reasonable satisfaction of the engineer alter the position of such works or temporarily support the same so far as may be necessary to enable the railway company to carry out such extension alteration or repair :

- (9) Any additional expense which the railway company may reasonably incur in the exercise of their existing powers in widening altering reconstructing repairing or maintaining the railway works by reason of the existence of the Company's works upon across over or under the same shall be paid by the Company :
- (10) Any dispute or difference which may arise between the railway company and the Company under this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to any such reference.

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76.—(1) The following enactments are hereby repealed (namely) :—

The Act of 1857—

- | | |
|---------------|--|
| Section XXIII | (Quorum of committees); |
| Section LIV | (What shall not be deemed domestic purposes); |
| Section LVIII | (Water to be constantly laid on under pressure for domestic purposes); |
| Section LIX | (Entry on premises to cut off supply in certain cases); |
| Section LX | (Mode &c. of giving notice); |
| Section LXII | (Penalty for affixing tubes to Company's pipes without their consent); |
| Section LXIII | (Recovery of sums not exceeding fifty pounds); |
| Section LXV | (Undisputed rates &c. may be recovered by distress); |
| Section LXVII | (Costs of distress); |
| Section LXX | (Power for justices to order repair of reservoirs and in certain cases to direct the water therein to be lowered); |

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- Section LXXI (Order of justices for immediate repair);
Section LXXII (Order of justices after summons on Company to repair reservoir);
Section LXXIII (Order of justices on failure of Company to obey orders);
Section LXXIV (Form of order);
Section LXXV (Persons acting under order of justices not deemed trespassers &c.);
Section LXXVI (Justices may impose penalty on Company for disobeying order);
Section LXXVII (Order of justices on Company for payment of costs);
Section LXXVIII (Power to Company to appeal against order).

The Order of 1872—

- Section 14 (Limits of pressure);
Section 18 (Proviso as to consent of owner of house);
Section 23 (Register of water meters &c. to be prima facie evidence);
Section 25 (Penalty for injuring meters &c.);
Section 29 (Warrant of distress shall include costs).

The Act of 1873—

- Section 18 (Amendment of section LVIII of Act of 1857).

The Act of 1883—

- Section 20 (Power to hold lands for protection of works);
Section 24 (Contracts not to disqualify for office of director);
Section 26 (Power to lay pipes in streets not dedicated to public use);
Section 28 (Entry on premises to cut off supply);
Section 30 (Meters not to be connected or disconnected without notice to Company);

Section 32 (Register of meter to be prima facie evidence); A.D. 1930.

Section 35 (Penalty for injury to any pipe &c. provided for gratuitous supply);

Section 36 (Altering dates of half-yearly meetings).

The Order of 1898—

Section 6 (Power to purchase lands by agreement).

The Act of 1906—

Section 4 (Application of existing enactments as to rates and pressure);

Section 15 (Guarantee by district councils);

Section 33 (Dividends on different classes of ordinary shares or stock to be paid proportionately).

The Act of 1921—

Section 10 (Supply to houses partly used for trade);

Section 23 (As to payment of dividends on preference capital in certain events);

Section 28 (Issue of redeemable preference capital and debenture stock);

Section 30 (As to back dividends); and

Section 32 (Power to make superannuation and other allowances).

(2) The following enactments are hereby repealed as from the appointed day (namely):—

The Act of 1857—

Section XVIII (Number and qualification of directors);

Section XIX (Power to reduce the number of directors).

The Act of 1861—

Section XII (Votes &c. for new shares).

The Act of 1883—

Section 44 (Prescribing scale for voting).

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The Act of 1906—

Section 35 (Amending Borough of Portsmouth Waterworks Act 1857 as to qualification of directors).

Agree-
ments with
Forestry
Commis-
sioners.

77. The Forestry Commissioners and the Company may enter into agreements for easements in and under any lands vested in or under the management of the Forestry Commissioners for the purpose of laying down maintaining repairing and renewing water mains and pipes hydrants stopcocks or fittings connected therewith and for access thereto respectively in consideration of such annual or other sums by way of acknowledgment as the Forestry Commissioners may think fit.

Crown
rights.

78. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of
Act.

79. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue to the extent of not exceeding one-third part of such costs charges and expenses in any one year.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR PREVIOUS ACTS AND ORDERS.

SHARE CAPITAL.

Act or Order authorising raising of Capital.	Description of Shares.	Maximum authorised Dividend.	Nominal amount per share.	Total Capital authorised.	Nominal amount issued and paid up.	Premiums.	Remaining to be issued.
Act of 1857	Original	10 per cent.	£ 10	£ 80,000	£ 80,000		£ s. d.
Act of 1861	Ordinary	10 per cent.	5	40,000	40,000		
Act of 1868	Ordinary	10 per cent.	5	60,000	60,000	881 13 6	
Act of 1879	Ordinary	7 per cent.	5	45,000	45,000		
Act of 1883	New ordinary	7 per cent.	5	112,500	112,500		
Order of 1898	New ordinary	5 per cent.	5	90,000	67,250	22,748 15 0	1 5 0
Order of 1902	New ordinary	5 per cent.	5	123,000	97,355	25,642 7 6	2 12 6
Act of 1906	New ordinary	5 per cent.	5	99,000	86,295	12,703 10 2	1 9 10
				£649,500	£588,400	£61,976 6 2	£5 7 4

LOAN CAPITAL.

Acts and Orders authorising the issue of Loan Capital.	Description of Loan.	Rates of Interest on Loans raised.	Total amount authorised.	Amounts borrowed.	Remaining to be borrowed.
1857 to 1921	Mortgage debentures Perpetual debenture stock Perpetual debenture stock	Various 3½ per cent. 3 per cent.	£ 324,750	£ 204,504 17 6 26,866 0 0 90,487 0 0	£ 2,892 2 6
			£324,750	£321,857 17 6	£2,892 2 6

A.D. 1930.

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