



CHAPTER xl.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Frimley and Farnborough Water and Great Berkhamstead Water. A.D. 1931.
[8th July 1931.]

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made certain provisional orders which need confirmation by Parliament: 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

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

1. The orders of the Minister of Health which as amended are set out in the schedule to this Act are hereby confirmed and shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (Frimley and Farnborough Water and Great Berkhamstead Water) Act 1931. Short title.

A.D. 1931.

SCHEDULE.

FRIMLEY AND FARNBOROUGH DISTRICT
WATER.

*Frimley
and Farn-
borough
Water
Order.*

*Provisional Order under the Gas and Water Works
Facilities Act 1870 and the Gas and Water Works
Facilities Act 1870 Amendment Act 1873
empowering the Frimley and Farnborough District
Water Company to raise additional capital and for
other purposes.*

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1. This order may be cited as the Frimley and Farnborough District Water Order 1931 and the Frimley and Farnborough District Water Acts and Orders 1893 to 1927 and this order may be cited together as the Frimley and Farnborough District Water Acts and Orders 1893 to 1931.

Commence-
ment of
order.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Interpre-
tation.

3. In this order unless the context otherwise requires the several words terms and expressions to which by any Act wholly or partly incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings And—

“ the commencement of this order ” means the date upon which this order comes into operation ;

“ the Undertakers ” means the Frimley and Farnborough District Water Company ;

“ the directors ” means the directors of the Undertakers ;

“ the Minister ” means the Minister of Health ;

“ the undertaking ” means the undertaking of the Undertakers as from time to time authorised ;

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- “ the limits of supply ” means the limits within which the Undertakers are from time to time authorised to supply water; A.D. 1931.
 —
Frimley and Farnborough Water Order.
- “ the Act of 1893 ” means the Frimley and Farnborough District Water Act 1893;
- “ the existing Acts and orders ” means the Frimley and Farnborough District Water Acts and Orders 1893 to 1927.

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

- (a) The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);
- (b) 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;
- (c) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) as amended by the Companies Clauses Consolidation Act 1888;
- (d) 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 and the Companies Clauses Act 1869.

(2) For the purpose of such incorporation the expression “ special Act ” where used in the said Acts shall be construed to mean this order and the term “ Company ” shall mean the Undertakers.

PART II.

WATER SUPPLY AND CHARGES.

5.—(1) The construction by the Undertakers of the following work in the parish of Frimley in the urban district of Frimley and Camberley is hereby confirmed that is to say :— *Confirmation of existing work.*

A conduit or line or lines of pipes laid along the Ascot and Aldershot Branch of the Southern Railway commencing at a point one hundred and thirty yards or thereabouts

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north of the bridge carrying the road from Mytchett Road to Mytchett Place over the said branch railway and terminating in the property of the Undertakers at a point adjoining the said branch railway one hundred and forty yards or thereabouts north-west of the bridge carrying Mytchett Road thereover.

(2) The Undertakers may from time to time maintain use renew alter extend repair and discontinue the work mentioned in the preceding subsection and may retain hold and use for the purposes of the undertaking all or any of the lands or any interest in any lands acquired by them for the purposes of or in connection with that work in pursuance of the powers vested in them from time to time and may by means of that work take divert impound collect and use the water which would otherwise flow along or under the Southern Railway into the river or stream known as the Blackwater.

(3) Nothing in this section shall prejudice or affect the rights of the Southern Railway Company under any agreement made between that company or its predecessors and the Undertakers relating to any part of the work referred to in subsection (1) of this section or enlarge as against the said company the rights or interests of the Undertakers under any such agreement.

Supply of
water by
Under-
takers to
premises
outside
limits of
supply.

6.—(1) If the owner or occupier of any premises outside the limits of supply desires to obtain from the Undertakers a supply of water the Undertakers may with the approval of the Minister and subject to the provisions of this section and to such conditions (if any) as the Minister may impose supply water to those premises.

(2) Before an application is made to the Minister for an approval under this section the Undertakers shall obtain the consent of the council of the borough or district within whose area the premises are situate and of any undertakers authorised by an Act or order to supply water within whose limits of supply the premises are situate.

(3) The charge made by the Undertakers for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Undertakers for water supplied for a similar purpose within the limits of supply.

(4) Where the Minister has given his approval to a supply of water to any premises by the Undertakers under this section the provisions of the Acts and orders from time to time relating to the Undertakers shall subject to any necessary modifications

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apply in relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the Minister is to be given.

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

Supplies to premises partly used for trade &c.

- (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 any hospital or asylum (whether public or private) any sanatorium nursing home 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.

8.—(1) Where 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 water rate chargeable by the Undertakers in respect of any supply of water for domestic purposes furnished by the Undertakers to any one or more of such 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 so occupied.

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

(2) A part of a house or building shall for the purposes of this section be deemed to be a house or building.

9.—(1) The Undertakers may require that any dwelling-house the erection of which is commenced after the commencement of this order and situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of

Cisterns to be provided for high level supplies.

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water is furnished or to be 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 to such dwelling-house for a period of forty-eight hours and the Undertakers 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.

(2) Notwithstanding anything in section 44 of the Act of 1893 or any byelaws made and confirmed under section 43 of that Act the provisions of the said section 44 and of such byelaws shall not apply to any dwelling-house in respect of which the Undertakers exercise their powers under the foregoing subsection.

Undertakers
to connect
communica-
tion pipes
with mains.

10. Notwithstanding anything contained in the existing Acts and orders the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication or service pipe therewith and the Undertakers shall on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) and the reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Stop-cocks
to be fitted
in communi-
cation pipes.

11. In the case of all new buildings the erection of which is commenced after the commencement of this order within the limits of supply and connected with the mains of the Undertakers the Undertakers may in cases where the communication pipes are laid by the owner or by the Undertakers 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 Undertakers from which the supply is given to the said premises and if such owner fails to comply with such requirement the Undertakers may insert a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from the owner as a civil debt.

Notice to
Under-
takers of
connecting
or discon-
necting
meters.

12. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs to and the connecting and disconnecting of meters shall be done at his cost and under

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due superintendence of any officer or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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13.—(1) The power of making byelaws conferred by section 43 of the Act of 1893 (which empowers the Undertakers to make byelaws for preventing waste of water) shall extend to enable the Undertakers to make byelaws requiring fittings to be tested and stamped and prescribing the charge to be made for such testing and stamping.

Extension
of powers
for pre-
venting
waste &c. of
water.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Undertakers or by the authority of the Undertakers for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

14. Section 90 (which relates to agreements with other companies) of the Wey Valley Frimley and Farnham Water Act 1898 shall have effect as if after the words "Farncombe Water Company Limited" there were inserted the words "and the South West Suburban Water Company."

Agreements
with South
West
Suburban
Water Com-
pany.

PART III.

FINANCIAL PROVISIONS.

15. In addition to the capital already authorised to be raised by the Undertakers they may from time to time raise additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively :

Power to
Under-
takers to
raise
additional
capital.

Provided that the Undertakers shall not under the powers of this order—

- (a) issue any shares of less nominal value than ten pounds; or
- (b) create and issue any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the said sum of one hundred thousand pounds.

16.—(1) All ordinary or preference shares or stock issued by the Undertakers after the commencement of this order shall subject to the provisions of this order be issued in accordance with the provisions of this section.

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

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and

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time to time determine :

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Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk to the council of each urban and rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister 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) In the case of a sale by auction 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 except that the offer by tender of any holder of shares or stock of the Undertakers 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 Undertakers or consumer of water supplied by the Undertakers;
- (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; and
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only :

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Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered 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.

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(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold 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 Undertakers shall send a report thereof to the Minister stating the total amount of each class of shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares or stock.

17. Except as by this order provided the additional capital created by the Undertakers under this order and the new shares or stock in that capital 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 existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital :

New shares or stock to be subject to same incidents as existing shares or stock.

Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

18. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital authorised by this order than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital except so far as a larger dividend may at any time be necessary to make up the deficiency of any previous dividend which shall have fallen short of the said seven pounds per centum per annum or than such dividend (not exceeding seven pounds) in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital as the directors may determine at the time or times of the creation or issue thereof.

Limits of dividend on additional capital.

19.—(1) Notwithstanding anything contained in section 16 of this order the Undertakers with the approval of the Minister may—

Provisions as to sale of shares or stock and payment of commissions.

(a) when ordinary or preference shares or stock of the Undertakers are or is to be issued (and whether or

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not the then existing ordinary or preference shares or stock are or is at a premium) before offering such shares or stock for sale by auction or tender offer the shares or stock to the consumers of water supplied by the Undertakers and persons in the employ of the Undertakers at the value thereof at the time of the offer;

- (b) offer for subscription by the public free from the provisions of the said section 16 (but subject to such conditions as the Minister may think fit to impose) any shares or stock to be so issued; and
- (c) on the offer for sale or subscription by the public of any shares or stock to be so issued or of any debenture stock to be issued by the Undertakers after the commencement of this order pay a commission not exceeding two and a half 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 Undertakers relating to the offer for sale or inviting subscriptions for such shares or stock.

(2) For the purposes of paragraph (a) of subsection (1) of this section the value of any shares or 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 Undertakers' books sales of shares or stock of the same class were effected within the period of six months immediately preceding the date on which the value of the shares or stock is required to be determined or if there has been only one sale or no sale of such shares or stock during such period then the price at which the last sale of such shares or stock was effected making due allowance not exceeding five per centum 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 Undertakers to pay brokerage.

Power to
borrow.

20.—(1) In addition to any other sums which they are authorised by the existing Acts and orders to borrow the Undertakers may subject to the provisions of this order borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount of the additional capital which at the time of borrowing has been raised under the powers of this order.

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(2) No sum shall be borrowed in respect of any capital so raised until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital in respect of which such sum is borrowed together with the premiums (if any) realised on the sale thereof has been fully paid up.

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borough
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Order.*

(3) The Undertakers shall not without the consent of the Minister pay interest at a higher rate than six pounds per centum per annum in respect of any moneys borrowed on mortgage under this section.

21. The Undertakers may create and issue debenture stock subject to the provisions of section 13 (which gives power to create debenture stock) of the Act of 1893.

Debenture
stock.

22. The principal moneys secured by all mortgages granted by the Undertakers before the commencement of this order and subsisting at the commencement thereof shall during the continuance of such mortgages and subject to the provisions of the Act or order under which such mortgages were respectively granted have priority over the principal moneys secured by all mortgages granted by virtue of this order.

Priority of
existing
mortgages.

23. All moneys raised or to be raised by the Undertakers on mortgage or by debenture stock under the provisions of the existing Acts and orders and this order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this order :

Priority of
mortgages
over other
debts.

Provided that nothing in this section shall affect any claim against the Undertakers or their property in respect of—

- (a) any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts;
- (b) any rent or sum reserved by or payable under any lease granted or made to or vested in the Undertakers which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock; or
- (c) land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

24. Section 33 of the Frimley and Farnborough District Water Act 1927 (which relates to the appointment of a receiver)

Appoint-
ment of
receiver.

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Application
of moneys.

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shall extend to mortgagees of the Undertakers in respect of mortgages granted under this order.

25. All moneys raised under this order or any other order or any Act relating to the Undertakers including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock (after deducting from such moneys the expenses of and incidental to the issue of any shares or stock by which such money is raised) shall not be considered as part of the capital of the Undertakers entitled to dividend :

Provided that in any case where the extent of a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the premium received from the sale of shares or stock shall for the purpose of the exercise of such power be reckoned as part of the paid-up or nominal capital.

Redeemable
preference
shares or
stock and
debenture
stock.

26.—(1) In this section unless the context otherwise requires—

“ stock ” means and includes preference shares or stock and debenture stock ;

“ issue ” includes re-issue ;

“ redeemable stock ” means any stock issued under the powers of this section so as to be redeemable ;

“ redeemed stock ” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this order and without further or other sanction issue so as to be redeemable any stock created by the Undertakers after the commencement of this order :

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Undertakers passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Undertakers may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit :

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Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Undertakers are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

(b) during such interval as aforesaid the amount raised by means of any preference shares or stock so created or issued shall not be deemed to be paid up share capital for the purposes of any enactment regulating the borrowing powers of the Undertakers.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Undertakers of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Undertakers was lawful in the circumstances existing at the date of such grant or issue :

Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Undertakers of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Undertakers shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

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(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 16 of this order.

Power to
apply funds.

27. The Undertakers may apply to any purposes of this order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the existing Acts and orders.

PART IV.

SUPPLEMENTAL.

Number of
directors.

28. Section 18 of the Act of 1893 (which prescribes the number of directors) shall have effect as if the word "six" were substituted for the word "five."

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

29. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 as from time to time applied to the Undertakers the Undertakers 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 Undertakers) containing the names and addresses of the several shareholders of the Undertakers and that section in its application to the Undertakers shall be read and have effect accordingly.

Repeal.

30. The enactments mentioned in the schedule to this order are hereby repealed to the extent shown in the third column of that schedule.

Costs of
order.

31. All the costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers as part of their expenses on revenue account.

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SCHEDULE.

A.D. 1931.

ENACTMENTS REPEALED.

*Frimley
 and Farn-
 borough
 Water
 Order.*

1.	2.	3.	4.
Session and chapter.	Short title.	Extent of repeal.	Subject-matter of repealed enactment.
56 & 57 Vict. c. clxxxv.	The Frimley and Farnborough District Water Act 1893.	Section 37 - Section 38 -	Charges for supply to workhouses' &c. to be agreed or settled by county court judge. Notice to undertakers of putting up meters &c.
61 & 62 Vict. c. cclx.	The Wey Valley Frimley and Farnham Water Act 1898.	Section 77 - In section 73 the words from "The provisions contained" to the end of the section.	Preference shares or stock may be created subject to redemption. Shares or stock to be sold by auction or tender.
1 Edw. 7. c. clxiv.	The Water Orders Confirmation (No. 1) Act 1901.	The following provisions of the Frimley and Farnborough District Water Order 1901 :— Article 9 - Article 15 -	Shares and stock to be sold by auction or tender. Preference shares or stock may be created subject to redemption.
4 Edw. 7. c. clxxxvi.	The Water Orders Confirmation Act 1904.	The following provisions of the Frimley and Farnborough District Water Order 1904 :— Article 13 - Article 19 -	Shares and stock to be sold by auction or tender. Preference shares or stock may be created subject to redemption.

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1.	2.	3.	4.
Session and chapter.	Short title.	Extent of repeal.	Subject-matter of repealed enactment.
9 Edw. 7. c. xlvii.	The Frimley and Farnborough District Water Act 1909.	Section 34 Section 48	- Shares or stock in additional capital to be sold by auction or tender. - Supply to houses partly used for trade &c.
5 & 6 Geo. 5. c. xiii.	The Frimley and Farnborough District Water Act 1915.	Section 15	- Shares or stock in additional capital to be sold by auction or tender.
17 & 18 Geo. 5. c. xii.	The Frimley and Farnborough District Water Act 1927.	Section 18 Section 25 Section 28 Section 34 Section 35	- Cisterns to be provided for high level supplies. - As to notice of sale by auction. - Provisions as to sale of shares or stock and payment of commissions. - Application of moneys. - Redeemable preference shares or stock and debenture stock.

GREAT BERKHAMPSTEAD WATER.

*Great
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 Order.*

Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 increasing the borrowing powers of the Great Berkhamstead Waterworks Company conferring further powers upon that Company and for other purposes.

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

PART I.

PRELIMINARY.

1. This order may be cited as the Great Berkhamstead Water Order 1931 and the Great Berkhamstead Water Order 1885 the Great Berkhamstead Waterworks Act 1900 the Great

Short and
 collective
 titles.

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Berkhamstead Waterworks Company (Modification of Charges) Order 1923 and this order may be cited together as the Great Berkhamstead Water Act and Orders 1885 to 1931.

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stead Water
Order.*

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Commence-
ment of
order.

3.—(1) In this order the several words terms and expressions to which by the Acts in whole or in part incorporated with this order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings.

Interpreta-
tion.

(2) In this order unless the context otherwise requires—

“the commencement of this order” means the date upon which this order comes into operation;

“the Act of 1900” means the Great Berkhamstead Waterworks Act 1900;

“the Consent Order of 1922” means the Great Berkhamstead Water (Capital Issues) Consent 1922;

“the existing Act and Orders” means the Great Berkhamstead Water Order 1885 the Act of 1900 the Consent Order of 1922 and the Great Berkhamstead Waterworks Company (Modification of Charges) Order 1923;

“the Undertakers” means the Great Berkhamstead Waterworks Company;

“the undertaking” means the undertaking of the Undertakers as for the time being authorised;

“the directors” means the directors of the Undertakers;

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

“the Minister” means the Minister of Health.

4.—(1) So far as the same are applicable to the purposes of this order the provisions of—

Incorpora-
tion of
certain
Acts.

(a) the Companies Clauses Consolidation Act 1845 (except sections 56 and 65 of that Act) as amended by the Companies Clauses Consolidation Act 1888;

(b) Part III (relating to debenture stock) of the Companies Clauses Act 1863 (except the words in section 22 “and to the same amount as”) as amended by the Companies Clauses Act 1869;

(c) the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking); and

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(d) 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”);

shall except where expressly varied by this order be incorporated with this order.

(2) In the construction of the enactments so incorporated with this order the expression “special Act” shall be read as a reference to this order and the expression “company” shall mean the Undertakers.

PART II.

LIMITS OF SUPPLY.

Limits of
supply.

5. The limits of the Undertakers for the supply of water shall comprise—

(a) in the county of Hertford—

the urban district of Great Berkhamstead the parishes of Great Berkhamstead Rural and Northchurch in the rural district of Berkhamstead and so much of the parish of Great Gaddesden in the rural district of Hemel Hempstead and of the parish of Little Gaddesden in the rural district of Berkhamstead as is situate within a radius of three miles from Great Berkhamstead Parish Church;

(b) in the county of Buckingham—

the urban district of Chesham and the parishes of Ashley Green and Latimer in the rural district of Amersham :

Provided that the Undertakers shall not supply water in the urban district of Chesham without the consent in writing of the urban district council of Chesham.

PART III.

LANDS.

Protection
of water
supply.

6.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Undertakers are empowered to take the Undertakers may subject to the provisions of this section by agreement purchase take on lease or otherwise acquire any lands and may for that purpose hold such lands and any other lands which the Undertakers may have acquired for the purposes of the undertaking in pursuance of the powers from time to time vested in them so long as they shall deem it necessary or expedient.

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(2) The total quantity of land acquired under this section by the Undertakers shall not exceed twenty-five acres.

(3) The Undertakers shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister 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 :

Provided that the restrictions of this subsection relating to the erection of buildings shall not apply in respect of lands leased or sold by the Undertakers.

(4) The Undertakers may in and upon any lands held by them for the purpose mentioned in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purposes of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Undertakers are empowered to take from being polluted and the Undertakers may for those purposes carry any such drain sewer or watercourse under across or along any street or road traversing the said lands or within the limits of supply subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes :

Provided that in the event of the Undertakers carrying any such drain sewer or watercourse over under or in any manner affecting the railways works or property of the London Midland and Scottish Railway Company the same shall be done subject and according to the provisions of section 12 (which contains provisions for protection of London and North Western Railway Company) of the Order of 1885 and for the purposes of this section references in the said section 12 to the London and North Western Railway Company shall be deemed to be references to the London Midland and Scottish Railway Company.

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

7. 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 order and of any other Acts and orders relating to the Undertakers lease any such lands to the Undertakers and may grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest)

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under
disability
may grant
easements
&c.

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required for the purposes of the undertaking in over or affecting any such lands and the provisions of the Lands Clauses 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 respectively.

PART IV.

FINANCIAL PROVISIONS.

Additional powers of borrowing in respect of existing and authorised capital.

8. Notwithstanding anything in the existing Act and Orders or the Acts incorporated with this order the Undertakers may—

(1) at any time after the commencement of this order and without obtaining the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 borrow on mortgage of the undertaking in respect of the capital issued by them on or before the thirty-first day of December nineteen hundred and thirty in the shape of shares or stock any sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock before the commencement of this order and outstanding on the date of any exercise by the Undertakers of the foregoing power of borrowing) twenty-three thousand six hundred and sixty pounds;

(2) borrow on mortgage of the undertaking in respect of any capital issued by them after the thirty-first day of December nineteen hundred and thirty in the shape of shares or stock any sums not exceeding in the whole one-half of the further capital (including premiums and allowing for discounts) so issued:

Provided that no sum shall be borrowed in respect of such further capital until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

Limit of interest on moneys borrowed.

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

Debenture stock.

10.—(1) The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Undertakers but notwithstanding anything therein contained the

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interest of all debenture stock and of all mortgages at any time created and issued or granted by the Undertakers under any previous or subsequent Act or order or this order shall subject to the provisions of any subsequent Act or order rank *pari passu* (without respect to the dates of the securities or of the Act or order or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

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(2) Notice of the effect of subsection (1) of this section shall be endorsed on all mortgages and certificates of debenture stock.

(3) As from the commencement of this order section 22 of the Companies Clauses Act 1863 as incorporated with the existing Act and Orders shall have effect as if the words "and to the same amount as" were omitted from that section.

11. The principal moneys secured by all mortgages subsisting at the commencement of this order which may have been granted by the Undertakers under the existing Act and Orders shall during the continuance of those mortgages have priority over the principal moneys secured by any mortgages granted by the Undertakers after the commencement of this order.

Priority of principal moneys secured by existing mortgages.

12. Section 37 of the Act of 1900 (which provides for the priority of all moneys raised by the Undertakers on mortgage or debenture stock under the provisions of that Act) shall apply to all moneys raised by the Undertakers on mortgage or by the creation and issue of debenture stock under the authority of this order as if that section were set out in this order with the necessary modifications.

Priority of moneys raised under this order on mortgage or by debenture stock over other claims.

13 The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver :

Appoint-ment of receiver.

Provided that on any application for the appointment of a receiver in respect of arrears of principal the appointment of a receiver shall not be authorised unless the aggregate amount owing to the mortgagees by whom the application is made shall not be less than one-tenth of the total amount for the time being owing by the Undertakers on mortgages or ten thousand pounds whichever is the less.

14.—(1) In this section unless the context otherwise requires—

"stock" means and includes preference stock and debenture stock;

"issue" includes re-issue;

"redeemable stock" means any stock issued under the powers of this section so as to be redeemable;

Redeemable preference stock and debenture stock.

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“redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this order and without further or other sanction issue so as to be redeemable any stock created by the Undertakers after the commencement of this order under the powers of the Act of 1900 and this order :

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Undertakers passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Undertakers may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit :

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Undertakers are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be paid-up share capital for the purposes of any enactment regulating the borrowing powers of the Undertakers.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Undertakers of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or

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debenture stock of which the grant or issue by the Undertakers was lawful in the circumstances existing at the date of such grant or issue :

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Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Undertakers of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Undertakers shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 15 of this order.

15.—(1) All ordinary or preference stock issued by the Undertakers after the commencement of this order shall be issued in accordance with the provisions of this section.

Sale of
stock by
auction or
tender.

(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 directors shall from time to time determine :

Provided as follows :—

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

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- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Minister 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) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal value than one hundred pounds and a bid shall not be recognised unless it is in advance of the last preceding bid;
- (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 ordinary or preference stock of the Undertakers 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 or to any consumer of water supplied by the Undertakers;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.
- (3) Any 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 Undertakers in accordance with the provisions of sections 18 to 20 of the Companies Clauses Act 1863 and to the employees and to the consumers of water supplied by the Undertakers in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of stock 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 for the purpose of realising

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the best price obtainable at such price and in such manner as the directors may determine.

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

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Order.*

16.—(1) Notwithstanding anything in the existing Act and Orders the undertakers may apply to any of the purposes of this order to which capital is properly applicable any moneys which they have raised or may raise by the issue of stock or debenture stock or by borrowing under the powers of the existing Act and Orders.

Application
of money.

(2) All money raised under this order by borrowing or by the issue of debenture stock shall be applied only to purposes of the existing Act and Orders and this order to which capital is properly applicable.

17. The Undertakers shall not be bound to see to the execution of any trust whether express implied or constructive to which their capital or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any capital or debenture stock of the Undertakers as if such capital or debenture stock were shares to which that section applied :

Undertakers
not bound to
regard
trusts.

Provided that in that section for the words "receipt of one of the parties named in" the words "receipt of the party whose name stands first on" shall be substituted.

18. The Undertakers shall not carry forward at the end of any financial year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say):—

Limitation
on carry
forward.

- (a) the amount required by the Undertakers for paying any dividend or interest which the Undertakers are entitled or required to pay but have not paid in respect of that year;
- (b) an amount equal to the total sum which the Undertakers would be entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year; and
- (c) an amount equal to the total sum which the Undertakers will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

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PART V.

—
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stead Water
Order.*
Notices of
meetings.

MANAGEMENT OF UNDERTAKING.

19. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Undertakers whether ordinary or extraordinary may (if the directors so determine) be given by a prepaid letter sent by post to each shareholder or stockholder instead of by public advertisement :

Provided that—

- (a) any such letter shall be directed according to the registered address or other known address of each shareholder or stockholder and posted not later than seven clear days before the date of the meeting; and
- (b) in proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed by this section.

As to
appointment
of proxies.

20. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder 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 an office copy thereof shall be transmitted to the secretary of the Undertakers at the same time as the instrument appointing the proxy.

Joint
holders.

21.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock any one of those persons may vote at any meeting 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.

(2) For the purposes of this section several executors or administrators of a deceased member in whose name any stock stands shall be deemed joint holders thereof.

Closing of
transfer
books.

22.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the payment

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of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such closing of a register they shall fix a day therefor of which seven days' notice shall be given by circular to each shareholder or by advertisement in a newspaper circulating within the limits of supply.

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(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Undertakers and the person claiming under the same but not otherwise be considered as made subsequent to the payment of any such dividend or interest as the case may be.

23.—(1) The directors may appoint one of their body to be managing director either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place.

As to
 appointment
 of managing
 director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall thereupon cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those methods.

(4) The directors may entrust to and confer upon a managing director such of the powers exercisable by the directors and subject to such conditions as they think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

24. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of holding any office or place of trust or profit under the Undertakers or by reason of being interested in any contract with the Undertakers nor shall any director be required to cease from voting or acting as a director by reason of accepting any such office or place of trust or profit or becoming interested in any such contract :

Directors
 holding
 office under
 or con-
 tracting
 with Under-
 takers.

Provided that—

(a) if any director shall be or become interested in any contract with the Undertakers (whether such interest arises before or after his appointment as a director) the nature of his interest in the contract shall if it

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then exists be disclosed by him at the meeting of the directors at which the contract is decided upon or in any other case at the first meeting of the directors after the interest arose or after his appointment as a director as the case may be and shall also be disclosed in the next annual report of the Undertakers;

- (b) 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 Undertakers to give to the directors or any of them any security by way of indemnity.

Qualifica-
tion and
notice of
candidature
of or of
opposition
to re-
election of
director.

25.—(1) No person shall be eligible to be elected a director at any general meeting of the Undertakers unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

(2) No person not being a director retiring by rotation and offering himself or being proposed for re-election or not being a candidate for election by the directors to fill a casual vacancy shall be capable of being elected a director of the Undertakers unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Undertakers fourteen days at least before the day of election and the secretary shall during those fourteen days and on the day of election cause to be displayed a copy of every such notice so delivered in some conspicuous place in the principal office.

(3) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

Substitu-
tion of card
index for
shareholders'
address
book.

26. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Undertakers 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 Undertakers) containing the names and addresses of the several shareholders of the Undertakers and that section in its application to the Undertakers shall be read and have effect accordingly.

Register of
shareholders.

27. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Undertakers to authenticate by the affixing of their common seal or otherwise the register of shareholders.

Directors
may deter-
mine remu-
neration of
secretary.

28. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Acts 1845 to 1888 they may from time to time determine the remuneration of the secretary of the Undertakers.

29. The Undertakers may purchase or take on lease houses cottages and other buildings for their employees and offices showrooms and other buildings for the purpose of the undertaking and may erect fit up maintain and let any such building upon any land for the time being belonging or leased to the Undertakers :

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 Berkham-
 stead Water
 Order.*

Provided that the total quantity of land held by the Undertakers at any one time under this section shall not exceed ten acres.

Dwelling-
 houses for
 employees
 offices show
 rooms &c.

PART VI.

WATER RATES AND CHARGES.

30. Notwithstanding anything in the Waterworks Clauses Act 1847 or in the existing Act and Orders or this order the rates rents and charges leviabie by the Undertakers shall if the Undertakers so determine be paid half-yearly one quarter in arrear and one quarter in advance at Christmas Day and Midsummer Day or at Lady Day and Michaelmas Day :

Rates
 leviabie
 half-yearly.

Provided that any person who shall occupy any premises during part only of any half-year in respect of which the rates are so required to be paid shall be liable for a part of the rates proportionate to that part of the half-year and if any such person shall have paid to the Undertakers a greater part of such rates the balance shall be refunded to him by the Undertakers.

31.—(1) The provisions of section 72 of the Waterworks Clauses Act 1847 (which provides that owners of houses not exceeding ten pounds rent shall be liable to water rates) in its application to the Undertakers shall have effect as if for the words "ten pounds" there were therein substituted the words "fifteen pounds."

Rates
 payable by
 owners of
 small houses.

(2) The provisions of section 73 of the said Act shall mutatis mutandis extend and apply (a) to payments made under the said section 72 as amended by this section and under section 62 of the Act of 1900 (which extends the provisions of the said section 72 to separate dwellings let for any period less than a quarter) and (b) as if that section applied to any lease or agreement whether made before or after the commencement of this order.

32.—(1) Notwithstanding anything in the existing Act and Orders a person shall not be entitled to demand or continue to receive from the Undertakers a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Undertakers to take a supply of water by meter and to pay to the Undertakers such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them

Special
 terms for
 supplies to
 caravans
 shacks and
 huts.

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*Provisional Orders Confirmation (Frimley and Farnborough
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in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Undertakers 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.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this order the Undertakers shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the council of the urban or rural district in which the structure is situated objects to the supply being given.

Supply to
certain
premises.

33.—(1) The Undertakers shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse or any asylum or hospital (whether public or private) or any nursing home sanatorium school club hotel public-house restaurant or inn; or
- (c) any boarding-house capable of accommodating at least twelve persons; or
- (d) any public institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the net annual value thereof.

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

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be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

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Charges for
 supply by
 hose-pipe.

34.—(1) Where water supplied for domestic purposes otherwise than by meter 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 Undertakers may if a hose-pipe or other similar apparatus is used charge such additional 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.

(2) The additional sums chargeable under this section shall be payable and recoverable in all respects with and in the same manner as the rate for the supply of water for domestic purposes to the premises.

(3) Where water supplied by the Undertakers 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 Undertakers may if they think fit require that all water so used shall be taken by measure and paid for accordingly.

35. Where a person who takes a supply of water for domestic purposes from the Undertakers desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Undertakers shall be entitled to require that all water so used shall—

Charges for
 supplies for
 refrigerating
 apparatus.

(1) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(2) be paid for at such rates as may be agreed between the consumer and the Undertakers.

36. Notwithstanding anything in the existing Act and Orders the Undertakers shall be entitled to charge for each supply of water by measure (other than a supply given under sections 33 and 35 of this order) such minimum sum not exceeding twenty shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Minimum
 price for
 supply by
 measure.

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Order.*

Amendment
of section 35
of Waterworks
Clauses Act
1847.

Meters &c.
to measure
water or
detect waste.

PART VII.

WATER SUPPLY.

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

38. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus :

Provided that the Undertakers shall not—

- (1) interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of that Act; or
- (2) enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to a railway company without the consent of that company which consent shall not be unreasonably withheld nor shall the Undertakers unreasonably obstruct or interfere with the access to or exit from any station or depot of that company.

Separate
communica-
tion
pipes may
be required.

39.—(1) The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by a notice in writing require the owner of any house to lay a separate pipe from the main pipe into that house.

(2) If the owner of any house supplied with water by the Undertakers fails within a period of one month after the receipt of a notice under subsection (1) of this section to provide a separate pipe from the main pipe into that house the Undertakers may themselves do the work and may recover from that owner the reasonable cost so incurred by them summarily as a civil debt.

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. xl.]
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40. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Undertakers in the maintenance and repair of that pipe in such shares as may be settled by the engineer of the Undertakers.

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 —
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 Berkhamstead Water
 Order.*
 Maintenance
 of common
 pipe.

41. Notwithstanding anything in the existing Act and Orders the Undertakers shall have the exclusive right of executing any works on any of the water mains of the Undertakers for connecting any communication or service pipes therewith and the Undertakers shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Undertakers execute (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work on any such main and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and the reasonable expenses incurred by the Undertakers in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Undertakers
 to connect
 communica-
 tion pipes
 with mains.

42. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers 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 reasonable expenses incurred by the Undertakers for the purpose of ascertaining the cause of 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 Undertakers 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 :

Power to
 Undertakers
 to repair
 communica-
 tion pipes.

Provided that except in case of emergency the Undertakers shall not—

- (i) under the powers of this section enter into any house or private premises unless they shall have given to the

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owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter; or

- (ii) without the previous consent of the London Midland and Scottish Railway Company (which shall not be unreasonably withheld) exercise the powers of this section in respect of any property belonging to such railway company and used for the purposes of their undertaking.

Opening of
ground by
persons
liable to
maintain
pipes &c.

43 —(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for the supply of water from the works of the Undertakers the person liable to maintain the same shall have the like power to open the ground as is conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Undertakers by agreement with any owner or occupier who is entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Undertakers shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Register
of meters to
be primâ
facie
evidence.

44.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Undertakers:

Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) If any meter used by a consumer of water shall be proved to register erroneously the 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 and the amount of the allowance to be made to the consumer or of the surcharge to be made upon

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him by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as rates for water are recoverable by the Undertakers.

—
*Great
Berkham-
stead Water
Order.*

45. Every person who—

- (1) without the consent of the Undertakers shall wilfully ;
or
- (2) shall negligently ;

Penalty for
closing
valves and
apparatus

close or shut off any valve cock or other work or apparatus belonging to the Undertakers whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Undertakers) be liable to a penalty not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained :

Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

46. 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 Undertakers who shall without the authority of the Undertakers turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Undertakers 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.

Penalty for
interference
with valves
&c

47. The Undertakers may require that any premises the erection of which is commenced after the commencement of this order on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such premises shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of twenty-four hours and the Undertakers shall not be required to supply any such premises until the same are provided with a cistern in conformity with the requirements of this section.

Cisterns to
be provided
for high level
supplies.

48. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Undertakers may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Undertakers in order to examine if there be any waste or misuse

Extension of
power to
inspect
premises.

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stead Water
Order.*

Entry of
premises to
remove
fittings and
meters.

of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

49. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the agent or other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any water pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Fittings let
for hire not
to be subject
to distress
&c.

50.—(1) If any fittings let for hire by the Undertakers shall bear either a distinguishing metal plate affixed to them or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners of the fittings those fittings 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.

(2) All fittings let for hire by the Undertakers notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall if they bear a plate brand or mark such as is mentioned in the preceding subsection at all times continue to be the property of and removable by the Undertakers :

Provided that nothing in this provision shall affect the valuation for rating of any rateable hereditament.

As to streets
forming
boundary of
limits of
supply.

51.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Undertakers may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exercisable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

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(2) The owner and occupier of any premises to which subsection (1) of this section applies 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 Undertakers and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the limits of supply.

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—
*Great
Berkhamstead Water
Order.*

(3) Nothing in this section shall entitle or require the Undertakers to supply water to the owner or occupier of any premises abutting upon any such street and being outside the limits of supply.

52.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Undertakers the Undertakers may subject to the provisions of this section cause the water in any such work to be discharged into any available river stream watercourse or ditch.

Discharge of
water into
streams.

(2) Any water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter.

(3) The rate at which the Undertakers may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Undertakers and the local authority or local authorities in whose district the stream ditch or watercourse is situate or in default of agreement determined by arbitration in accordance with the provisions of the Arbitration Act 1889 to be reasonable having regard to all the circumstances of the case.

(4) In the foregoing subsection the expression "local authority" includes an urban or rural district council and also where the stream ditch or watercourse drains or is adjacent to a county road vested in a county council the county council in which such road is vested.

(5) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power and the amount of compensation shall be settled in case of dispute by arbitration in accordance with the provisions of the Arbitration Act 1889.

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Berkham-
stead Water
Order.

Purchase of
water in
bulk.

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

53. The Undertakers 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 Undertakers for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Undertakers for the purpose of the undertaking.

Guarantees
&c. by
district
councils.

54.—(1) Any district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between that council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for the supply of water within any part of the district.

(2) The giving of a 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 district council they may incur expenditure and the district council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Undertakers under this section.

(3) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

(4) Nothing in this section shall be deemed to authorise a district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of their district which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

PART VIII.

SUPPLEMENTAL.

Authentica-
tion and
service of
notices by
Undertakers.

55.—(1) Any notice to be served by the Undertakers shall be sufficiently authenticated by the signature of the secretary or other officer of the Undertakers for the time being authorised

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in writing by the directors or by the name of the officer being printed or stamped on the notice. A.D. 1931.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or of business or by delivering the notice to any inmate of the premises supplied with water or if the premises are unoccupied and the place of abode of the person to be served cannot be found after proper inquiry any notice not being a notice to pay any charge may be affixed to some conspicuous part of the premises. *Great Berkhamstead Water Order.*

56. A judge of any court or a justice shall not be disqualified from acting in the execution of any Act or order from time to time relating to the undertaking by reason of his being liable to the payment of any rate. *Justices not disqualified.*

57. Proceedings for the recovery of any demand made under the authority of any Act or order from time to time relating to the Undertakers whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. *Recovery of demands.*

58. Save as otherwise expressly provided by any Act or order from time to time relating to the Undertakers all offences against any such Act or order and all penalties forfeitures costs and expenses imposed by or recoverable under any such Act or order or any byelaw made in pursuance of a power thereby conferred may be prosecuted and recovered in a summary manner : *Recovery of penalties &c.*

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

59. Penalties imposed under the existing Act and Orders or this order or the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative. *Penalties not cumulative.*

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

61.—(1) The enactments mentioned in the schedule to this order are hereby repealed to the extent shown in the third column of that schedule. *Repeal.*

(2) The Consent Order of 1922 is hereby repealed in so far as the powers thereby conferred have not been exercised at the commencement of this order.

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 stead Water
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Costs of
 order.

62. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue and if wholly charged against revenue may be spread over a period not exceeding five years.

SCHEDULE.

ENACTMENTS REPEALED.

Session and chapter. 1.	Short title. 2.	Extent of repeal. 3.	Subject-matter of repealed enactment. 4.
48 & 49 Vict. c. lxxv.	The Water Orders Confirmation Act 1885.	The following articles of the Great Berkhamstead Water Order 1885:— Article 4 - Article 6 - Article 7 - Article 8 - Article 10 - Article 27 - Article 29 - Article 30 - Article 32 - Article 33 - Article 34 - Article 35 - Article 36 - Article 37 -	Limits of Order. Capital. Limit of dividend on additional capital. Limit of borrowing powers. Persons under disability may grant easements &c. to Undertakers. Register of meters &c. to be evidence. When several houses supplied by one pipe each to pay. Supply of water to tenements in a row. Misuser where supply to several houses is by a pipe common to all. Incoming tenant not liable to pay arrears. Several names in one summons. Warrant of distress to include costs. Liability to water rate not to disqualify justices from acting. 8 Vict. c. 16. s. 140 incorporated.

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Session and chapter. 1.	Short title. 2.	Extent of repeal. 3.	Subject-matter of repealed enactment. 4.
63 & 64 Vict. c. lxi.	The Great Berkhamstead Waterworks Act 1900.	Section 4 Section 27 Section 28 Section 29 Section 30 Section 32 Section 33 Section 34 Section 35 Section 49 Section 58 Section 71	Limits of Act for supply of water. - New stock to be offered by auction or tender. - Purchase money of capital sold to be paid within three months. - Notice to be given as to sale of stock. - Stock not sold by auction or tender to be offered to holders of other stock. - Power to borrow in respect of ordinary consolidated stock. - Power to borrow in respect of additional capital. - For appointment of a receiver. - Debenture stock. - Closing of transfer books previous to declaring interim dividend. - Power to take easements by agreement. - Recovery of demands under fifty pounds.

A.D. 1931.

—
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 Berkhamstead Water
 Order.*

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